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**MATT BLUNT**

**SECRETARY OF STATE**

# MISSOURI REGISTER

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**July 15, 2003**  
  
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January 30, 2004  
January 30, 2004  
  
February 29, 2004  
February 29, 2004

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



## **FROM THIS ANGLE ...**

### **Fiscal Impact Statements**

Chapter 536.200 - 536.215 will explain your agency's responsibility as it pertains to fiscal impact statements for both private and public fiscal costs pertaining to rulemakings. It is the responsibility of your agency to complete these statements for your rulemakings if any cost exceeding \$500, either private or public cost is involved. Our office prescribes the form to be used for completion of these statements. This form is available on the Internet at [www.sos.mo.gov/adrules/forms.asp](http://www.sos.mo.gov/adrules/forms.asp). If you have questions regarding the same, please consult your legal counsel – our office cannot advise you on the completion of your fiscal impact computations.

The Joint Committee on Administrative Rules has advised our office they are scrutinizing all rules for statutory compliance in this regard and will continue to do so.

### **New Web Address – Please change your “Favorites”**

The Secretary of State's web address has changed. Please change your “favorites” to reflect this change as follows: [www.sos.mo.gov](http://www.sos.mo.gov). If you wish to access Administrative Rules directly, please add the designation /adrules after gov ([www.sos.mo.gov/adrules](http://www.sos.mo.gov/adrules)).

### **New JCAR Director**

The Joint Committee on Administrative Rules has named a new Director. Please address your correspondence and cover letters to the Joint Committee on Administrative Rules to the attention of “Cindy Kadlec.” Cindy received both her undergraduate degree in Political Science and her law degree from the University of Missouri – Columbia. Prior to being named Director of JCAR, Cindy served as a member of the staff of Senate Research. Part of her responsibilities as a member of Senate Research was providing staff support for JCAR. Welcome to JCAR, Cindy – we look forward to working with you!

### **Rulemaking 1-2-3, Missouri Style**

Do you or your agency have a copy of the newest edition of the rulemaking manual? Our office sets the uniform procedures for publication of all phases of rulemakings. The new rulemaking manual is very helpful in following the procedural steps necessary in the preparation of your rule packets and the filing of the same. Additionally, the manual is available in an online version on our website.

### **It's a Girl!!**

Finally, Administrative Rules welcomes the arrival of Micah Lyn Davis, on May 1, 2003. Micah is the daughter of Tiffany (and Jeff) Davis. Tiffany is an Associate Editor on our staff. We refer to Micah as "our Ad Rules baby." Be sure to ask to see pictures of this precious new arrival next time you are in our office!!

As always, please advise if we may be of any assistance to you in the rulemaking process.

A handwritten signature in cursive script, reading "Lynne C. Angle".

Lynne C. Angle  
Director, Administrative Rules

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

## Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

### EMERGENCY AMENDMENT

**13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).** The division is changing section (10) and adding section (11).

*PURPOSE:* The emergency amendment changes section (10) and adds section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2003 at five and seventy hundredths percent (5.70%) and SFY 2004 at five and sixty-four hundredths percent (5.64%).

*EMERGENCY STATEMENT:* The Division of Medical Services finds that this emergency amendment is necessary to preserve a compelling governmental interest of providing health care to individuals eligible for the Medicaid program. An early effective date is required in that the emergency amendment made adjustments to the Federal Reimbursement Allowance for SFY 2003 and establishes the Federal Reimbursement Allowance for SFY 2004 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on Medicaid payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, it will cause significant cash flow shortages and financial strain on all hospitals which service more than nine hun-

dred thousand (900,000) Medicaid recipients. This will, in turn, result in an adverse impact on the health and welfare of those in need of medical care and treatment. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The Division of Medical Services believes this emergency amendment to be fair to all interested parties under the circumstances. The emergency amendment was filed April 29, 2003, effective May 9, 2003 and expires February 19, 2004.

(10) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2003. The FRA assessment for State Fiscal Year (SFY) 2003 shall be determined at the rate of [five and fifty-two] five and seventy hundredths percent [(5.52%)] (5.70%) of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health, State Center for Health Statistics in the *Missouri Hospital Revenues* 1995-2000 manual, which is incorporated by reference in this rule. The base financial data for 1999 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of five and sixty-four hundredths percent (5.64%) of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health, State Center for Health Statistics in the *Missouri Hospital Revenues* 1995-2000 manual, which is incorporated by reference in this rule. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

*AUTHORITY:* sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 29, 2003, effective May 9, 2003, expires Feb. 19, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

#### **Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements**

#### **PROPOSED AMENDMENT**

**4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report.** The commission is amending section (1).

*PURPOSE: This amendment makes public more efficient information in aggregate form as a standing practice, removing need for commission approval to release individual company reports upon a party's request, as required by section 386.480, RSMo 2000.*

(1) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for

each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. *[The report shall include the information listed below]* **The utility shall report** for each operational district into which the utility has divided its Missouri service territory **the number of days it was permitted to discontinue service under 4 CSR 240-13.055, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by 4 CSR 240-13.055 and known not to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be reported or made public.** Utilities providing both electric and gas service shall report the information separately for their gas-only territory[:].

*[(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));*

*(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:*

*1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);*

*2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;*

*3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;*

*4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement; and*

*5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement.]*

**(A) How many customers were disconnected at the end of the period:**

**1. Of those disconnected, how many customers had service discontinued for non-payment during the period;**

**2. Of those disconnected during the period, how many customers were restored to service during the period.**

**(B) Of customers reported as disconnected at the end of the period:**

**1. How many had broken a cold weather rule pay agreement;**

**2. How many had broken a non-cold weather rule pay agreement;**

**3. How many had not been on a pay agreement.**

**(C) Of those customers reconnected during the period:**

**1. How many customers received energy assistance (pledged or paid) from:**

**A. Low Income Home Energy Assistance Program (LIHEAP);**

**B. Energy Crisis Intervention Program (ECIP);**

**C. Other.**

**2. How much energy assistance was provided by:**

**A. LIHEAP;**

**B. ECIP;**

**C. Customer;**

**D. Other.**

**(D) Of customers restored to service during the period:**

1. How many were put on a cold weather rule pay agreement;
2. How many were put on a non-cold weather rule pay agreement.

(E) How much was owed by those disconnected at the end of the period:

1. How much was owed by those disconnected during the period;
2. How much was owed by those reconnected during the period.

(F) How many customers were registered under 4 CSR 240-13.055(1)(D) at the end of the period:

1. How many customers registered during the period;
2. How many of such registered customers had service discontinued during the period.

(G) For how many customers during the period did the utility receive:

1. LIHEAP;
2. ECIP;
3. Other assistance.

(H) How much cash did the utility receive on behalf of customers during the period from:

1. LIHEAP;
2. ECIP;
3. Others.

(I) How many customers who requested reconnection under terms of this rule were refused service pursuant to section 4 CSR 240-13.055(9).

(J) How many customers received energy assistance insufficient in amount to retain or restore service.

(K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed April 24, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities seventeen thousand and one hundred dollars (\$17,100) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 3, 2003, and should include a reference to commission Case No. AX-2003-0198. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for July 9, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

## FISCAL NOTE PRIVATE ENTITY COST

### I. RULE NUMBER

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 3.180 (identical to 3.250)

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-3.180 Submission of Electric Utility Residential

Heat-Related Service Cold Weather Report

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate over a four year period as to the cost of compliance with the rule by the affected entities:
2	Electric Utility Companies	\$ 17,100

### III. WORKSHEET

Utility Type:	One Time Estimated Cost	Annualized Four Year Cost	Total
<i>Electric Only</i>			
KCPL	\$ 17,100	None	\$ 17,100
Citizen Electric	No Submission	-----	-----

### IV. ASSUMPTIONS

The Cold Weather Reporting Rule revisions that are proscribed in the amendment are expected to have a life of four (4) years.

The Staff of the Missouri Public Service Commission collects cold weather reports from each utility providing heat-related utility service. Presently, Staff obtains more detailed information from the utilities using ad hoc queries, but not as part of the current standard cold weather rule reports. The proposed revisions to the Cold Weather Rule reporting requirements will provide the Commission more detailed information that will improve its ability to assess the effectiveness of the Cold Weather Rule provisions and enable policymakers, including state legislators and the Missouri Congressional delegation, to better understand the need for funding low-income energy assistance.

In addition, a major reason for revising and amending the Cold Weather Rule reporting requirements of 4 CSR 240-3.180 and 4 CSR 240-3.250 [formerly 4 CSR 240-13.055(12)] is to make public such information in aggregate form as a standing practice, removing the need for Commission approval to release individual company reports upon a party's request, as required by §386.480 RSMo 2000.

Companies have not expressly factored in the savings benefit that will accrue from the elimination of time spent developing responses to numerous ad hoc queries that are posed by the Staff under the present rule.

Companies were invited to provide estimates of the costs associated with complying with the revised Cold Weather Reporting Rule requirements. Company estimates that were submitted generally reflect one-time computer system programming changes that would take a period of up to six months to implement. Some companies submitted estimated monthly (worksheet annualized) costs for program and systems maintenance.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements**

**PROPOSED AMENDMENT**

**4 CSR 240-3.250 Submission of Gas Utility Residential Heat-Related Service Cold Weather Report.** The commission is amending section (1).

*PURPOSE: This amendment makes public more efficient information in aggregate form as a standing practice, removing need for commission approval to release individual company reports upon a party's request, as required by section 386.480, RSMo 2000.*

(1) Each gas utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. *[The report shall include the information listed below]* **The utility shall report** for each operational district into which the utility has divided its Missouri service territory~~].~~ **the number of days it was permitted to discontinue service under 4 CSR 240-13.055, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by 4 CSR 240-13.055 and known not to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be reported or made public.** Utilities providing both electric and gas service shall report the information separately for their gas-only territory:

*[(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));*

*(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:*

*1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);*

*2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);*

*3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under an agreement made pursuant to 4 CSR 240-13.055(8);*

*4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8); and*

*5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under an agreement made pursuant to 4 CSR 240-13.055(8).]*

**(A) How many customers were disconnected at the end of the period:**

**1. Of those disconnected, how many customers had service discontinued for non-payment during the period;**

**2. Of those disconnected during the period, how many customers were restored to service during the period.**

**(B) Of customers reported as disconnected at the end of the period:**

**1. How many had broken a cold weather rule pay agreement;**

**2. How many had broken a non-cold weather rule pay agreement;**

**3. How many had not been on a pay agreement.**

**(C) Of those customers reconnected during the period:**

**1. How many customers received energy assistance (pledged or paid) from:**

**A. Low Income Home Energy Assistance Program (LIHEAP);**

**B. Energy Crisis Intervention Program (ECIP);**

**C. Other.**

**2. How much energy assistance was provided by:**

**A. LIHEAP;**

**B. ECIP;**

**C. Customer;**

**D. Other.**

**(D) Of customers restored to service during the period:**

**1. How many were put on a cold weather rule pay agreement;**

**2. How many were put on a non-cold weather rule pay agreement.**

**(E) How much was owed by those disconnected at the end of the period:**

**1. How much was owed by those disconnected during the period;**

**2. How much was owed by those reconnected during the period.**

**(F) How many customers were registered under 4 CSR 240-13.055(1)(D) at the end of the period:**

**1. How many customers registered during the period;**

**2. How many of such registered customers had service discontinued during the period.**

**(G) For how many customers during the period did the utility receive:**

**1. LIHEAP;**

**2. ECIP;**

**3. Other assistance.**

**(H) How much cash did the utility receive on behalf of customers during the period from:**

**1. LIHEAP;**

**2. ECIP;**

**3. Others.**

**(I) How many customers who requested reconnection under terms of this rule were refused service pursuant to section 4 CSR 240-13.055(9).**

**(J) How many customers received energy assistance insufficient in amount to retain or restore service.**

**(K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055.**

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed April 24, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities sixty-seven thousand and two hundred dollars (\$67,200) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 3, 2003, and should include a reference to commission Case No. AX-2003-0198. If*

*comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for July 9, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

## FISCAL NOTE PRIVATE ENTITY COST

### I. RULE NUMBER

Title: 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division: 240-Public Service Commission

Chapter: 3.250 (identical to 3.180)

Type of Rulemaking: proposed amendment

Rule Number and Name: 4 CSR 240-3.250 Submission of Gas Utility Residential Heat-

Related Service Cold Weather Report

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate over a four year period as to the cost of compliance with the rule by the affected entities:
2	Gas and Electric Utility Companies	\$ 35,000
4	Gas Utility Companies	\$ 32,200

### III. WORKSHEET

Utility Type:	One Time Estimated Cost	Annualized Four Year Cost	Total
<i>Gas &amp; Electric</i>			
Ameren	\$ 5,000	None	\$ 5,000
Aquila	\$10,000	\$ 5,000/yr x4= \$20,000 <sup>1</sup>	\$ 30,000
<i>Gas Only</i>			
Laclede Gas	\$15,000 <sup>2</sup>	None	\$ 15,000
Fidelity <sup>3</sup>	None	\$ 1,800/yr x4=\$ 7,200	\$ 7,200
Atmos	None	None	None
MGE	\$ 10,000	None	\$ 10,000
Southern Missouri Gas <sup>4</sup>	No Submission	-----	-----

### IV. ASSUMPTIONS

<sup>1</sup> Aquila submitted an annualized cost of \$50,000 without support or explanation. This has been scaled back to \$5,000/yr.

<sup>2</sup> This is an average of the cost range submitted by Laclede.

<sup>3</sup> Refer to Small Business Takings Analysis.

<sup>4</sup> Refer to Small Business Takings Analysis.

The Cold Weather Reporting Rule revisions that are proscribed in the amendment are expected to have a life of four (4) years.

The Staff of the Missouri Public Service Commission collects cold weather reports from each utility providing heat-related utility service. Presently, Staff obtains more detailed information from the utilities using ad hoc queries, but not as part of the current standard cold weather rule reports. The proposed revisions to the Cold Weather Rule reporting requirements will provide the Commission more detailed information that will improve its ability to assess the effectiveness of the Cold Weather Rule provisions and enable policymakers, including state legislators and the Missouri Congressional delegation, to better understand the need for funding low-income energy assistance.

In addition, a major reason for revising and amending the Cold Weather Rule reporting requirements of 4 CSR 240-3.250 (identical to 4 CSR 240-3.180) [ both are formerly 4 CSR 240-13.055(12)] is to make public such information in aggregate form as a standing practice, removing the need for Commission approval to release individual company reports upon a party's request, as required by §386.480 RSMo 2000.

Companies have not expressly factored in the savings benefit that will accrue from the elimination of time spent developing responses to numerous ad hoc queries that are posed by the Staff under the present rule.

Companies were invited to provide estimates of the costs associated with complying with the revised Cold Weather Reporting Rule requirements. Company estimates that were submitted generally reflect one-time computer system programming changes that would take a period of up to six months to implement. Some companies submitted estimated monthly (worksheet annualized) costs for program and systems maintenance.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards**

**PROPOSED RULE**

**4 CSR 240-40.018 Natural Gas Price Volatility Mitigation**

*PURPOSE:* This rule represents a statement of commission policy that natural gas local distribution companies should undertake diversified natural gas purchasing activities as part of a prudent effort to mitigate upward natural gas price volatility and secure adequate natural gas supplies for their customers.

(1) Natural Gas Supply Planning Efforts to Ensure Price Stability.

(A) As part of a prudent planning effort to secure adequate natural gas supplies for their customers, natural gas utilities should structure their portfolios of contracts with various supply and pricing provisions in an effort to mitigate upward natural gas price spikes, and provide a level of stability of delivered natural gas prices.

(B) In making this planning effort, natural gas utilities should consider the use of a broad array of pricing structures, mechanisms, and instruments, including, but not limited to, those items described in (2)(A) through (2)(G), to balance market price risks, benefits, and price stability. Each of these mechanisms may be desirable in certain circumstances, but each has unique risks and costs that require evaluation by the natural gas utility in each circumstance.

(C) Part of a natural gas utility's balanced portfolio may be higher than spot market price at times, and this is recognized as a possible result of prudent efforts to dampen upward volatility.

(2) Pricing Structures, Mechanisms and Instruments.

- (A) Natural Gas Storage;
- (B) Fixed Price Contracts;
- (C) Call Options;
- (D) Collars;
- (E) Outsourcing/Agency Agreements;
- (F) Futures Contracts; and
- (G) Other tools utilized in the market for cost-effective management of price and/or usage volatility.

*AUTHORITY:* sections 386.250, RSMo 2000 and 393.130, RSMo Supp. 2002. Original rule filed May 1, 2003.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 3, 2003, and should include a reference to Commission Case No. GX-2002-478. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for July 10, 2003, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with spe-

*cial needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 120—New Manufactured Homes**

**PROPOSED RULE**

**4 CSR 240-120.085 Inspection Fee**

*PURPOSE:* This rule outlines the procedure and establishes the fee to be charged by the commission for the inspection of manufactured homes as a result of inspection requests received pursuant to section 700.040, RSMo.

(1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700, RSMo, an inspection fee for all complaints or requests for inspections received from homeowners.

(2) The fee shall be paid equally by the manufacturer of the home and the dealer who sold the home to the consumer.

(3) The homeowner must complete a consumer inspection form as provided by the commission describing the homeowner's concerns.

(4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.

(5) The inspection will address all concerns listed in the consumer inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer and/or dealer for corrective action.

(6) The manufacturer and the dealer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.

(7) Each manufacturer and each dealer must submit, along with the assessed fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer and/or dealer within fifty (50) working days from the date of the inspection.

(8) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer or both, if it is found during an inspection that there is neither any material defect, nor material violation of Chapter 700, RSMo, nor any material violation of Part 3280 of the Manufactured Home Construction and Safety Standards Code.

(9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.

(10) The commission will send written notification to each licensed manufacturer and each licensed dealer giving the date the fee is to be implemented.

(11) The fee shall be two hundred dollars (\$200) per inspection for both the manufacturer and the dealer, totaling four hundred dollars (\$400). The fee shall be submitted on a form provided by the commission. There shall be no re-inspection fee charged by the commission if the identified deficiencies have been corrected.

(12) Re-inspections reflecting corrections have not been made or that material deficiencies still exist, as determined by the director, may result in an additional fee to be paid by the manufacturer or dealer responsible for making the corrections. Said re-inspection fee shall not exceed two hundred dollars (\$200) per inspection for the manufacturer and/or the dealer.

(13) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request.

(14) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer or dealer certificate of registration:

(A) Failure to pay the inspection fees within ten (10) days of their prescribed due date;

(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: section 700.040, RSMo 2000. Original rule filed May 1, 2003.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately seventy-five thousand dollars (\$75,000) annually for the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 4

Division: 240 Public Service Commission

Chapter: 120 New Manufactured Homes

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-120.085 Inspection Fee

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 360 active manufacturers and dealers.	Manufactured Housing Manufacturers and Dealers	\$75,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 150 inspections @ \$400 per inspection – \$60,000. 75 re-inspections @ \$200 per re-inspection = \$15,000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will inspect manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. FY 2002 reflects approximately 150 inspections and 150 re-inspections were conducted on manufactured homes. We anticipate with the implementation of this rule the number of re-inspections will decrease by 50% and will only apply to one party.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 121—Pre-Owned Manufactured Homes**

**PROPOSED RULE**

**4 CSR 240-121.065 Inspection Fee**

*PURPOSE: This rule outlines the procedure and establishes the fee to be charged by the commission for the inspection of pre-owned manufactured homes as a result of inspection requests received pursuant to section 700.040, RSMo.*

- (1) The commission shall charge the manufacturer as defined in Chapter 700, RSMo, an inspection fee for all complaints or requests for inspections received.
- (2) The fee shall be paid by the manufacturer of the home.
- (3) The homeowner must complete a consumer inspection form as provided by the commission describing the homeowner's concerns.
- (4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.
- (5) The inspection will address all concerns listed in the inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer.
- (6) The manufacturer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.
- (7) Each manufacturer must submit, along with the assessed fee, a written plan of action to be taken to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer within fifty (50) working days from the date of the inspection.
- (8) The commission may waive the fee for the manufacturer, if it is determined during the inspection that there were no material defects or violations of Chapter 700, RSMo, the rules or the code as determined by the director.
- (9) The fee shall be implemented upon the effective date of the rule on all inspections conducted after said date.
- (10) The commission will send written notification to each licensed manufacturer giving the date the fee is to be implemented.
- (11) The fee shall be four hundred dollars (\$400) per inspection to be paid by the manufacturer. The fee shall be submitted with a form provided by the commission.
- (12) Re-inspections reflecting corrections have not been made or that material deficiencies still exist as determined by the director may result in an additional fee to be paid by the manufacturer. Said re-inspection fee shall not exceed four hundred dollars (\$400) per inspection.
- (13) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the commission and the inspection fee must be paid prior to the inspection.

(14) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturers certificate of registration:

- (A) Failure to pay fees within ten (10) days of their prescribed due date;
- (B) Failure to pay fees by the prescribed due date for two (2) consecutive months; or
- (C) Failure to pay fees by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: sections 700.040 and 700.115, RSMo 2000. Original rule filed May 1, 2003.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately two thousand dollars (\$2,000) annually in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE  
PRIVATE ENTITY COST**I. RULE NUMBER**

Title: \_\_\_\_\_ 4 \_\_\_\_\_

Division: \_\_\_\_\_ 240 Public Service Commission \_\_\_\_\_

Chapter: \_\_\_\_\_ 121 Pre-Owned Manufactured Homes \_\_\_\_\_

Type of Rulemaking: \_\_\_\_\_ Proposed Rule \_\_\_\_\_

Rule Number and Name: \_\_\_\_\_ 4 CSR 240-121.065 Inspection Fee \_\_\_\_\_

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 90 active manufacturers.	Manufactured Housing Manufacturers	\$2,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 5 inspections @ \$400 per inspection = \$2,000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will inspect pre-owned manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. FY 2002 reflects approximately 5 inspections were conducted on pre-owned manufactured homes.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 123—Modular Units**

**PROPOSED RULE**

**4 CSR 240-123.095 Inspection Fee**

*PURPOSE: This rule outlines the procedure and establishes the fee to be charged by the commission for the inspection of modular units as a result of inspection requests received pursuant to section 700.040, RSMo.*

(1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700, RSMo, an inspection fee for all complaints or requests for inspections received from modular unit owners.

(2) The fee shall be paid equally by the manufacturer of the modular unit and the dealer who sold the unit to the consumer.

(3) The owner must complete a consumer inspection form as provided by the commission describing the owner's concerns.

(4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.

(5) The inspection will address all concerns listed in the inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer and/or dealer for corrective action.

(6) The manufacturer and the dealer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.

(7) Each manufacturer and each dealer must submit, along with the assessed fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer and/or dealer within fifty (50) working days from the date of the inspection.

(8) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer or both, if it is found during an inspection that there is neither any material defect, nor material violation of Chapter 700, RSMo, nor any material violation of the International Building Code or the International Residential Code.

(9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.

(10) The commission will send written notification to each licensed manufacturer and each licensed dealer giving the date the fee is to be implemented.

(11) The fee shall be two hundred dollars (\$200) per inspection for both the manufacturer and the dealer, totaling four hundred dollars (\$400). The fee shall be submitted on a form provided by the commission. There shall be no re-inspection fee charged by the commission if the identified deficiencies have been corrected.

(12) Re-inspections reflecting corrections have not been made or that material deficiencies still exist, as determined by the director, may result in an additional fee to be paid by the manufacturer or dealer responsible for making the corrections. Said re-inspection fee shall

not exceed two hundred dollars (\$200) per inspection for the manufacturer and/or the dealer.

(13) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request.

(14) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer or dealer certificate of registration:

(A) Failure to pay the inspection fee within ten (10) days of their prescribed due date;

(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: section 700.040, RSMo 2000. Original rule filed May 1, 2003.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately five thousand dollars (\$5,000) annually for the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**Title: 4Division: 240 Public Service CommissionChapter: 123 Modular UnitsType of Rulemaking: Proposed RuleRule Number and Name: 4 CSR 240-123.095 Inspection Fee**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classifications by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 136 active manufacturers and dealers.	Modular Unit Manufacturers and Dealers	\$5,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 10 inspections @ \$400 per inspection = \$4,000. 5 re-inspections @ \$200 per re-inspection = \$1,000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will inspect modular units to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. FY 2002 reflects approximately 10 inspections and 10 re-inspections were conducted on modular units. We anticipate with the implementation of this rule the number of re-inspection will decrease by 50% and will only apply to one party.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of Instruction  
Chapter 310—Incentives for School Excellence Program**

**PROPOSED RESCISSION**

**5 CSR 50-310.010 General Provisions.** This rule established guidelines and procedures for applying and granting funds for innovative and exemplary programs designed to improve instruction in classrooms, schools and school districts.

*PURPOSE:* This rule is rescinded because no funds were appropriated to fund the program since Fiscal Year 2001. The Incentives for School Excellence Program was generated in 1985 and the rule became effective in 1986.

*AUTHORITY:* section 160.264, RSMo 1986. Original rule filed Feb. 26, 1986, effective May 29, 1986. Amended: Filed Dec. 11, 1986, effective March 26, 1987. Amended: Filed May 1, 1987, effective Aug. 27, 1987. Rescinded: Filed April 23, 2003.

*PUBLIC COST:* This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Susan Cole, Coordinator of State Programs, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of School Improvement  
Chapter 340—School Improvement and Accreditation**

**PROPOSED AMENDMENT**

**5 CSR 50-340.110 Policies and Standards Relating to Academically Deficient Schools.** The State Board of Education is amending the Purpose and sections (1), (2) and (3).

*PURPOSE:* This proposed amendment clarifies definitions and reflects the Department of Elementary and Secondary Education's ability to identify, support and assist academically deficient schools.

*PURPOSE:* This rule establishes the criteria and procedures to be used to identify academically deficient schools and sets the standards to be used for an educational audit [in order to implement section 160.538, RSMo].

(1) For the purpose of this rule[—]:

(A) A "school" shall mean a grouping of grade levels reported by a school district under a building number used for reporting school data to the Department of Elementary and Secondary Education (DESE). A physical structure may contain more than one (1) "school." A school designated as an elementary school, a middle school, a junior high school or a high school and assigned a number by [the department] DESE shall be included in the listing of schools subject to this rule;

(B) "Concerned school" means any school which [meets the criteria in subsections (2)(A) and (2)(B)] has fifteen percent

(15%) or more students in the Step 1 and Progressing levels using the results of the Missouri Assessment Program (MAP) [the assessment system developed pursuant to the provisions of section 160.518, RSMo. Only schools containing one (1) or more of the assessed grade levels shall be considered as a concerned school];

(C) "State-determined academically deficient school" shall mean a concerned school whose MAP results for two (2) consecutive testing years place the school in the lowest fifty (50) schools when considering the percent of students who score in Step 1 and Progressing levels on the MAP and who are [identified as] declared academically deficient by the State Board of Education (board);

(D) "Locally determined academically deficient school" shall mean a school in a district whose graduation rate is below sixty-five percent (65%) as defined in [section 160.011, RSMo,] state law that meets the fifteen percent (15%) [criteria set in subsection (2)(B)] or more students in the Step 1 and Progressing levels on the MAP and is determined to be academically deficient by the local board of education;

(2) Determination of academically deficient schools by the state[—] shall be as follows:

[(A)] The list of potential concerned schools will first be made by identifying all schools in K-12 districts whose average graduation rate for the most recent three (3) years is lower than one (1) standard deviation below the mean graduation rate for all K-12 districts for the most recent three (3) years in addition to all schools in K-8 districts;]

[(B)] (A) Concerned schools will be those [from subsection 2(A)] that have fifteen percent (15%) or more students in Step 1 and Progressing levels using the MAP results. This percent will be determined by adding the numbers of students scoring at the Step 1 and Progressing levels in each subject area assessed in the school for the most recent two (2) years. That sum will be divided by the corresponding sum of the "reportable students" on the same MAP assessments administered in that school, and will be stated as a percent, carried to four (4) places;

[(C)] (B) Each year, the lowest fifty (50) concerned schools (excluding academically deficient schools) will be considered for an educational audit. The lowest fifty (50) schools will be determined by ranking of the percent of students scoring in Step 1 and Progressing levels as determined by applying the criteria [in subsection (2)(B)] above. No more than five (5) schools in one (1) school district shall be identified for an audit in any one (1) year; therefore, if five (5) schools are identified from one (1) district prior to identifying a total of fifty (50) schools, all other schools from that district will be removed from consideration and the next lowest schools from the remaining list will be identified until the total is fifty (50)]. Schools identified as academically deficient in a single district shall not exceed ten (10). At no time can there be more than a total of one hundred (100) schools either identified for an audit team visit or awaiting the second audit team visit;

[(D)] (C) Within sixty (60) days of the identification of a concerned school, the [State Board of Education] board shall appoint an audit team of at least ten (10) people as described in [section 160.538.2(4), RSMo] state law, and designate the chairperson of the committee for any school identified in the lowest fifty (50) as determined [by subsections (2)(A), (B) and (C)] above. A [Department of Elementary and Secondary Education] DESE state supervisor cannot be on a team relating to an academically deficient school in a school district which she/he supervises;

[(E)] (D) If, after considering relevant information and data provided by the school, the audit team finds that the school is an academically deficient school, the audit team shall determine the factors that contributed to the lack of student achievement which resulted in that finding using research based educational practices and the Missouri School Improvement Program (MSIP) Performance

Standards. The audit team shall report the factors and the findings to the *[State Board of Education]* board within one hundred twenty (120) days of its appointment. An audit team which finds a reasonable explanation for the low state assessment scores shall report such to the *[State Board of Education]* board;

*[(F)] (E)* The *[State Board of Education]* board shall declare any school which an audit team finds academically deficient to be academically deficient. The *[State Board of Education]* board shall, within sixty (60) days of its decision, appoint a management team of at least ten (10) people *[as described in section 160.538.2(4), RSMo]* pursuant to state law, for each school so designated. A management team may serve more than one (1) school. No person, except *[Department of Elementary and Secondary Education]* DESE personnel, can serve on a management team while serving on an audit team for the same school;

*[(G)] (F)* Within sixty (60) days of their appointment, the management team shall study the audit report and the factors that contribute to the deficiency and shall make recommendations that the team believes are appropriate and necessary in the management and administration of the school to promote increased student achievement.

1. In addition, *[W]*with consideration given to the financial condition of the district and the school, the team may make recommendations that local resources be more effectively utilized, additional local resources be given to the school, and/or that additional state resources be allocated to the school. The *[items outlined in section 160.538.2(5), RSMo, and section 160.538.5, RSMo, shall be considered in the recommendations]* report shall contain recommendations to be presented to the *[state]* board.

2. The *[State Board of Education]* board shall allocate from the “statewide areas of critical need” money to fund the operation of the management teams and to provide resources specified by the management teams needed in the academically deficient school and approved by the *[State Board of Education]* board pursuant to *[section 160.530.2(1), RSMo]* state law; and

*[(H)]* A school which has received the second visit of the audit team and remains an academically deficient school shall not be counted against the maximum number of schools referred to subsections (1)(C) through (G) or be placed in the listing of schools from lowest to highest pursuant to subsection (2)(C); and

*[(I)] (G)* A school shall remain an academically deficient school until the second educational audit is conducted at least two (2) school years after the year of the filing of the management team’s report with the *[State Board of Education]* board and the audit determines the building to be no longer academically deficient and so recommends to the *[State Board of Education]* board.

1. If a school is found to be still academically deficient after the second educational audit—/;

A. Then the local board may suspend, after due process, the indefinite contracts of “contributing teachers”;

B. The commissioner of education may, upon recommendations of the second audit team, conduct a recall election of board members;

C. The local board may not grant tenure to any probationary teacher until one (1) year after the academically deficient designation is lifted; and

D. The local board may not issue new contracts or renew contracts to either the superintendent or the principal for a period of longer than one (1) year *[(section 160.538.4, RSMo)]*.

2. The building will remain an academically deficient school until the *[State Board of Education]* board determines that performance on the MAP has improved sufficiently to warrant the change in status.

3. A school which has received the second visit of the audit team and remains an academically deficient school shall not be

counted against the maximum number of schools identified as either concerned or academically deficient schools.

(3) Determination of academically deficient schools by the local board of education:

(A) A local board may designate a school within its jurisdiction as an academically deficient school if that school is a concerned school and *[meets the criteria set out in subsection (2)(B)]* has fifteen percent (15%) or more students in the Step 1 and Progressing levels using the MAP results; and

(B) The local board may suspend or terminate contracts of contributing teachers, principals, and any administrators having responsibility for the school, *[subject to sections 168.114 to 168.120 RSMo or section 168.221, RSMo, whichever is applicable,]* pursuant to state law and reconstitute the school with new teachers and administrative staff.

*AUTHORITY: sections 160.538, RSMo 2000 and 161.092, RSMo [2000] Supp. 2002. Previously filed as 5 CSR 30-340.010. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22, 1999, effective Sept. 30, 1999. Amended and moved to 5 CSR 50-340.110: Filed Sept. 27, 2001, effective May 30, 2002. Amended: Filed April 23, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attn: Ginny Vandelicht, Assistant Director, School Improvement and Accreditation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days (30) after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 50—Division of School Improvement Chapter 340—School Improvement and Accreditation

### PROPOSED AMENDMENT

**5 CSR 50-340.200 Annual Public Reporting of Information by School Districts.** The State Board of Education proposes to amend the Purpose, subsections (2)(B), (2)(C), (2)(J), (2)(N), (2)(O), (2)(R), (2)(S), (2)(W), sections (3), (4), (5), adding a new section (6) and deleting the Appendix that follows this rule in the *Code of State Regulations*.

*PURPOSE: This amendment is to combine and consolidate state and federal requirements for the annual public reporting of information by school districts and to make technical corrections.*

*PURPOSE: This rule [incorporates legislative changes] is to provide guidance on the annual public reporting of information by school districts [on an annual basis].*

(2) Data to be reported shall include the following:

(B) Rates of pupil attendance. The average daily attendance of the regular school term divided by the *[average of the September and]* January membership, or the total hours of student attendance divided by the sum of total hours of student attendance and total hours of absence;

(C) High school dropout rate. The number of dropouts divided by the total of September enrollment plus transfers in, minus transfers out, minus dropouts, added to total September enrollment, then divided by two (2). Dropout rate **also** shall be reported for any racial/ethnicity group with more than thirty (30) students *[and which exceeds five percent (5%) of attendance center enrollment]*;

(J) Average per pupil expenditures for each attendance center in the district *[See Appendix A, included herein, for calculation model]* as determined by the calculation model available from the Department of Elementary and Secondary Education's (DESE) school finance section;

(N) Percent of the district's operating budget received from:

1. State. All state revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

2. Federal. All federal revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds; and

3. Local. All local and county revenues, **including "Proposition C" funds**, received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

(O) *[Number]* **Percentage** of students eligible for free *[and]* or reduced lunch. Full-time equivalency count of resident pupils eligible for free or reduced lunch as reported on Core Data;

(R) Rates of participation in:

1. Parent-teacher conferences. The number of students enrolled with one (1) or more of their parents or guardians attending a conference divided by the number of students enrolled the last Wednesday of September;

2. Special education programs. The number of students served in special education programs divided by the number of students enrolled the last Wednesday of September;

3. Early childhood special education programs. The number of students enrolled in the programs;

4. Parents as teachers programs. The number of families served;

5. Vocational education programs. The number of students enrolled in vocational education programs divided by the number of students enrolled the last Wednesday of September;

6. Gifted or enrichment programs. The number of students enrolled in gifted or enrichment programs divided by the number of students enrolled the last Wednesday of September; **and**

7. Advanced placement *[programs]* (AP) courses. The number of students enrolled in *[Advance Placement programs]* **AP courses approved by The College Board** divided by the number of students enrolled the last Wednesday of September; *[and]*

*[8. College admissions testing. The number of high school graduates taking the American College Test (ACT) or Scholastic Aptitude Test (SAT) divided by the number of high school graduates;]*

(S) *[Number]* **Percentage** of students continuing education in post-secondary programs. The **percentage** of previous year's graduates who are attending *[a two (2) or four (4)-year college]* a **community college, a four (4)-year college/university or technical/vocational school** as reported on Core Data;

(W) The certification status of teachers, *[(expressed as a percentage of total teachers) based upon the following categories]* **including:**

*[1. Life, Professional (Professional Class I (PC I), Professional Class II (PC II) and Continuing Professional Certificate (CPC)), or Provisional certificates;*

*2. Temporary Authorization certificates or Special Assignment certificates; and*

*3. Substitute certificates or no certification.]*

**1. The percentage of teachers with temporary authorization or special assignment certificates;**

**2. The percentage of teachers with substitute certificates or no certification; and/or**

**3. The percentage of classes taught by highly qualified teachers.**

(3) Achievement data including *[ACT, SAT, and Missouri Assessment Program (MAP) shall be reported using]*:

*[(A) At least one (1) comparison of district average with state average or district average with districts having a similar characteristic or characteristics using the same variables for three (3) consecutive years; and/or*

*(B) No less than three (3)-year history of district scores. The district achievement history becomes comparison variable.]*

(A) For each grade and subject included in the Missouri Assessment Program (MAP), report the number of students enrolled, the number of students tested and the number and percentage of students at or above the state's proficient level. Assessment data shall be reported in the aggregate and also shall be disaggregated for each of the following subgroups that has thirty (30) or more students: Asian, African-American, Hispanic, Indian, Pacific Islander, white, eligible for free- or reduced-price lunch, student with Individualized Education Program (IEP), or limited English proficiency. Data shall be provided for at least the most recent three (3) years; and

(B) For high schools, report at least the most recent three (3) years of aggregated American College Test (ACT) or Scholastic Aptitude Test (SAT) scores, as appropriate, the percentage of graduates taking the tests, and comparisons to state averages for the same years.

(4) *[Reporting]* The requirements of this regulation apply to each attendance center within a public school district. Reports issued by school districts shall permit disclosure of data on a school-by-school basis, but shall not be personally identifiable by any student or employee. *[Disaggregated achievement data shall be reported for any racial/ethnicity group with more than thirty (30) students and which exceeds five percent (5%) of attendance center enrollment.]* Data about students attending alternative programs within the school district shall be included with the information for the attendance center to which such students would otherwise be assigned.

(5) *[The regulation shall apply to charter schools and to each attendance center in a public school district. Attendance center reports shall include students attending alternative programs within the district.]* In their annual reports, school districts shall identify all attendance centers that have been designated for improvement as a result of failing to make adequate yearly progress (AYP), as defined by DESE.

(6) Annual reports issued by charter schools shall comply with the requirements of this regulation.

*AUTHORITY: sections 160.522, RSMo Supp. 2001 and 161.092, RSMo [2000] Supp. 2002. Original rule filed Oct. 25, 2001, effective May 30, 2002. Amended: Filed April 23, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the*

Missouri Department of Elementary and Secondary Education, Attn: Dr. Bert Schulte, Assistant Commissioner, Division of School Improvement, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of Instruction  
Chapter 350—State Programs**

**PROPOSED RESCISSION**

**5 CSR 50-350.015 General Provisions Governing the Improving America's Schools Act, The Technology Literacy Challenge Fund.** This rule gave the Department of Elementary and Secondary Education (DESE) authority to receive and expend federal funds and set forth the general provisions governing projects operated by local educational agencies (LEAs) under Subpart 2 of Part A of Title III of the Improving America's Schools Act (IASA). The rule incorporated by reference the regulations for the program as published in the state *Technology Literacy Challenge Fund Program Guidelines*.

**PURPOSE:** *This rule is rescinded because the five (5) years of the cycle have passed. It was established as a five (5)-year program and was only funded in Fiscal Years 1997 through 2001.*

**AUTHORITY:** *sections 178.430 and 178.440, RSMo 1994. Original rule filed June 30, 1997, effective Jan. 30, 1998. Rescinded: Filed April 23, 2003.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Susan Cole, Coordinator of State Programs, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of Instruction  
Chapter 360—Pupil/Teacher Ratio Reduction Incentive  
Program**

**PROPOSED RESCISSION**

**5 CSR 50-360.010 General Provisions.** This rule established guidelines and procedures for the orderly administration of the Pupil/Teacher Ratio Reduction Incentive Program authorized by the Outstanding Schools Act.

**PURPOSE:** *This rule is being rescinded because the program's three (3) year project period has passed. The program operated from 1994 through 1997.*

**AUTHORITY:** *section 160.550, RSMo Supp. 1993. Original rule filed Nov. 2, 1993, effective June 6, 1994. Rescinded: Filed April 23, 2003.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Susan Cole, Coordinator of State Programs, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of Instruction  
Chapter 370—New Schools Pilot Project**

**PROPOSED RESCISSION**

**5 CSR 50-370.010 General Provisions.** This rule established guidelines and procedures for implementing the Outstanding Schools Act pertaining to The New Schools Pilot Project.

**PURPOSE:** *This rule is rescinded because the program's five (5) year project period has passed. The New Schools Pilot Project operated during 1994 through 1999.*

**AUTHORITY:** *section 162.1010, RSMo Supp. 1993. Original rule filed Nov. 2, 1993, effective June 6, 1994. Rescinded: Filed April 23, 2003.*

**PUBLIC COST:** *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Susan Cole, Coordinator of State Programs, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 70—Special Education  
Chapter 742—Special Education**

**PROPOSED RESCISSION**

**5 CSR 70-742.160 Policy for Reimbursement of Individuals Serving as Members of Hearing Panels.** This rule set forth the policy for reimbursement of individuals serving as panel members during due process proceedings conducted by school districts or the Department of Elementary and Secondary Education.

**PURPOSE:** *This rule is being rescinded as school districts are no longer authorized to conduct due process hearings, and Department of Elementary and Secondary Education due process hearings, and payment of hearing panel members, are now provided for specifically in section 162.961, RSMo.*

*AUTHORITY: section 162.685, RSMo 1986. Original rule filed Oct. 19, 1979, effective Feb. 14, 1980. Amended: Filed April 23, 1985, effective Sept. 3, 1985. Rescinded: Filed April 23, 2003.*

*PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, Attn: Melodie A. Friedebach, Assistant Commissioner, Division of Special Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 13—Peace Officer Licenses**

**PROPOSED AMENDMENT**

**11 CSR 75-13.010 Classification of Peace Officer Licenses.** The department is adding subsection (1)(E), and relettering subsections (E)–(H).

*PURPOSE: This amendment identifies the classifications of licenses for peace officers that attend the Missouri Police Corps.*

(1) Every peace officer license shall be classified according to the type of commission for which it is valid:

**[(E)] (F) Class A-PC.** Valid for any commission, except commission with the Missouri State Highway Patrol, the Missouri State Water Patrol, and the Missouri Conservation Commission. Must be a graduate of the Missouri Police Corps.

**[(E)] (F) Class B.** Valid for any commission, except commission by a first class county with a charter form of government, a political subdivision located within a first class county with a charter form of government, a city not within a county, the Missouri State Highway Patrol, the Missouri State Water Patrol, or the Missouri Conservation Commission.

**[(F)] (G) Class C.** Valid only for commission within a third class county pursuant to section 590.040.1(4), RSMo and only for the particular commission held by the licensee on July 1, 2002, or a commission that the director has determined to be similar pursuant to section 590.040.2, RSMo.

**[(G)] (H) Class R.**

1. Valid only for commission as a reserve peace officer with police powers limited by the commissioning authority as follows: while on duty the officer shall be under the direct supervision of a commissioned officer who holds a valid class A, B, or C license; while off duty the officer shall have no police power and shall not carry a concealed weapon; and the officer shall have no police power outside the commissioning political subdivision.

2. As used in this rule, “direct supervision” means supervision in which the supervising officer: monitors the supervised officer, including by two-way radio or radio scanner; is available for voice communication with the supervised officer; and is able to respond and assist the supervised officer in a timely manner.

3. A class R license shall not be valid for any commission by a first class county with a charter form of government, a political subdivision located within a first class county with a charter form of government, a city not within a county, the Missouri State Highway

Patrol, the Missouri State Water Patrol, or the Missouri Conservation Commission.

**[(H)] (I) Class S.** Valid only pursuant to section 590.030.6, RSMo for the continuing licensure of a person holding and exercising a law enforcement commission requiring a peace officer license.

*AUTHORITY: sections 590.020.2, 590.030.6, and 590.040.2, RSMo Supp. 2001. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed April 25, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, POST Program, Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 14—Basic Training Centers**

**PROPOSED AMENDMENT**

**11 CSR 75-14.030 Standard Basic Training Curricula and Objectives.** The department is adding subsection (1)(E), and relettering subsections (E)–(H) and updating the incorporated by reference materials.

*PURPOSE: This amendment identifies the classification of licenses for peace officers that attend the Missouri Police Corps.*

(1) The Peace Officer Standards and Training (POST) Commission shall develop a mandatory basic training curriculum for each class of peace officer license. The minimum number of training hours for each class of peace officer license shall be as follows:

**[(E)] (F) Class A-PC.** One thousand (1,000) hours;

**[(E)] (F) Class B.** Four hundred seventy (470) hours;

**[(F)] (G) Class C.** One hundred twenty (120) hours;

**[(G)] (H) Class R.** Two hundred eighty-one (281) hours;

**[(H)] (I) Class S.** Four hundred seventy (470) hours.

*AUTHORITY: section 590.030.1, RSMo Supp. 2001. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed April 25, 2003.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, POST Program, Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 75—Peace Officer Standards and  
Training Program  
Chapter 14—Basic Training Centers**

**PROPOSED AMENDMENT**

**11 CSR 75-14.080 Minimum Requirements for a Basic Training Instructor.** The department is amending paragraph (3)(D)4.

*PURPOSE:* This amendment will allow only a graduate of a Certified First Responder Trainer course to teach the curricula course, First Aid (First Responder).

(3) To qualify for a specialist license, an instructor shall possess the following qualifications:

(D) A valid, current third-party or secondary license shall be required to qualify as a specialist instructor for any objective related to the following:

1. Tactical Communications if utilizing Verbal Judo, graduate of a Verbal Judo Trainer Course.
2. Hazardous Materials, graduate of a POST recognized Hazardous Materials Training Course.
3. Accident Investigation, graduate of a Basic Accident Investigation School or Accident Reconstruction School.
4. First Aid (First Responder), **graduate of a Certified First Responder Trainer Course**, or a licensed Emergency Medical Technician (EMT), Emergency Medical Technician Paramedic (EMTP), Registered Nurse (RN), Medical Doctor (MD), or Doctor of Osteopathy (DO).
5. The core curricula areas under Defensive Tactics, graduate of a POST recognized Law Enforcement Defensive Tactics Instructor Course.
6. The core curricula areas under Firearms, graduate of a POST recognized Firearms Instructor School of at least forty (40) hours.
7. The core curricula areas under Driver Training, graduate of a POST recognized Drivers Training Instructor Course.
8. Memoranda, Introduction to Report Writing, and Report Writing Exercises, if an individual does not have at least a four (4) year college degree, they must be a graduate of a POST recognized Report Writing Instructor Course.

*AUTHORITY:* section 590.060.1, RSMo Supp. 2001. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Oct. 31, 2002, effective April 30, 2003. Amended: Filed April 25, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, POST Program, Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 4—Conditions of Recipient Participation, Rights  
and Responsibilities**

**PROPOSED AMENDMENT**

**13 CSR 70-4.040 Eligibility Corrective Action Recipient Payments.** The division is amending subsection (1)(D).

*PURPOSE:* This amendment clarifies the basis on which recipients who have a spenddown obligation may be reimbursed by the Medicaid program for Title XIX services paid by them to providers between the date of the initial agency decision denying their eligibility and the date of the agency or court decision establishing their eligibility for Medicaid. This proposed amendment complies with current federal and state legal requirements regarding spenddown obligation.

(1) All recipients whose eligibility for Medicaid benefits is denied and whose eligibility is subsequently established as a result of an agency hearing decision, a court decision based on an agency hearing decision or any other final agency decision rendered on or after January 1, 1986 may be reimbursed by the Medicaid agency for Medicaid services paid by the recipients to providers between the date of the agency decision denying their eligibility and the date of the agency or court decision establishing their eligibility for Medicaid benefits.

(D) Any medical expenses paid by the recipient which are for the purpose of meeting that recipient's spenddown obligation are not payable *[except for those services deemed to have been provided on the first date of spenddown eligibility]*.

*AUTHORITY:* sections [207.020, RSMo 1986, 208.152, RSMo Supp. 1990 and] 208.153 and 208.201, RSMo [Supp. 1991] 2000. This rule was previously filed as 13 CSR 40-81.141. Original rule filed April 16, 1985, effective Jan. 1, 1986. Amended: Filed Jan. 22, 1992, effective Sept. 6, 1992. Amended: Filed May 1, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**PROPOSED AMENDMENT**

**13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).** The division is changing section (10) and adding section (11).

*PURPOSE:* The proposed amendment changes section (10) and adds section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2003 at five and seventy hundredths percent (5.70%) and SFY 2004 at five and sixty-four hundredths percent (5.64%).

(10) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2003. The FRA assessment for State Fiscal Year (SFY) 2003 shall be determined at the rate of *[five and fifty-two] five and seventy hundredths percent [(5.52%)] (5.70%)* of the hospital's total

operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health, State Center for Health Statistics in the *Missouri Hospital Revenues 1995–2000* manual, which is incorporated by reference in this rule. The base financial data for 1999 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

**(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004.** The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of five and sixty-four hundredths percent (5.64%) of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health, State Center for Health Statistics in the *Missouri Hospital Revenues 1995–2000* manual, which is incorporated by reference in this rule. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

*AUTHORITY:* sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed April 29, 2003, effective May 9, 2003, expires Feb. 19, 2004. Amended: Filed April 29, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2003 or SFY 2004.

*PRIVATE COST:* This proposed amendment is expected to cost private entities an additional \$18,406,012 for a total of \$559,110,034 in SFY 2003 and a total of \$588,038,698 in SFY 2004.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**FISCAL NOTE****PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
132	Hospitals	SFY 2003 - \$18,406,012
131	Hospitals	SFY 2004 - \$588,038,698

**III. WORKSHEET**

The fiscal note is based on establishing the SFY 2003 FRA assessment percentage at 5.70% and the SFY 2004 FRA assessment percentage at 5.64%.

**IV. ASSUMPTIONS**

The SFY 2003 FRA assessment is based on total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses of approximately \$9.7 billion multiplied by 5.70%. The \$18,406,012 cost is the difference between the original SFY 2003 estimate of \$540,704,022 and the new SFY 2003 estimated cost of \$559,110,034. The 132 hospitals reported above include 43 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is \$302,592 (\$76,727,806 new estimate less \$76,425,214 original estimate).

The SFY 2004 FRA assessment is based on total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses of approximately \$10.4 billion multiplied by 5.64%. The 131 hospitals reported above include 39 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is \$79,180,433.

**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 2—Membership and Benefits**

**PROPOSED AMENDMENT**

**16 CSR 50-2.035 Payment of Benefits.** The board is replacing section (5).

*PURPOSE:* This rule clarifies the distribution requirements under the plan by amending section (5).

*[(5) 401(a)(9) Requirements. Regardless of any contrary provision in the plan, any distribution shall be determined in accordance with Internal Revenue Code (Code) section 401(a)(9) and the proposed regulations thereunder, including the "minimum distribution incidental benefit requirement" of Prop. Reg. section 1.401(a)(9)-2 (62 Fed. Reg. 67, 780 (Dec. 30, 1997)). Accordingly, distribution of a Participant's accrued benefit shall begin no later than his or her required beginning date.]*

**(5) 401(a)(9) Requirements.** All distributions required under the County Employees' Retirement Fund shall be determined and made in accordance with the Prop. Reg. under Code section 401(a)(9), including the minimum distribution incidental benefit requirement of Prop. Reg. section 1.401(a)(9)-2. The entire interest of a participant must be distributed or begin to be distributed no later than the participant's required beginning date as defined in section 50.1000(12), RSMo. Except as amended by the foregoing, the terms and provisions of the County Employees' Retirement Fund as enacted by the General Assembly of the State of Missouri effective as of August 28, 1994 and amended effective as of January 1, 2000 shall remain in full force and effect.

*AUTHORITY:* section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed July 29, 1997, effective Jan. 30, 1998. Rescinded and readopted: Filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 23, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, PO Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 16—RETIREMENT SYSTEMS**  
**Division 50—The County Employees' Retirement Fund**  
**Chapter 2—Membership and Benefits**

**PROPOSED AMENDMENT**

**16 CSR 50-2.090 Normal Retirement Benefit.** The board is replacing section (6).

*PURPOSE:* This rule clarifies the maximum annuities permitted under the plan by amending section (6).

*PUBLISHER'S NOTE:* The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

*[(6) Maximum Benefit. No benefit payable from the plan shall exceed the maximum benefit permitted under section 415(b) of the Internal Revenue Code (Code). If a participant's membership in another retirement plan results in the violation of the limits of Code section 415, the participant's benefit in this plan shall be reduced in order to ensure compliance with such Code section.]*

**(6) Maximum Benefit.** Anything to the contrary notwithstanding, an annuity computed under the plan shall not exceed the limitations imposed by Code section 415, and no participant shall accrue a benefit in excess of the limitations imposed by Code section 415(b). For purposes of applying such limitations, compensation shall be defined as compensation within the meaning of Code section 415(c)(3)(A). All other terms and provisions of Code section 415 are incorporated herein by reference.

*AUTHORITY:* section 50.1032, RSMo [Supp. 1999] 2000. Original rule filed Sept. 29, 2000, effective March 30, 2001. Amended: Filed April 23, 2003.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, PO Box 2271, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2159). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A hearing was held on January 22, 2003, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed amendment 4 CSR 240-31.010.

**COMMENT:** A telephone company recommended a modification to the proposed definition of "Applicable carrier" to clarify that the exception for companies with *de minimis* net intrastate end-user retail revenues below twenty-four thousand dollars (\$24,000) is calculated on an annual basis.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (1) will be changed by adding the term "annual" before the word "net."

**COMMENT:** A telephone company recommended a modification to the definition of "Applicable carrier" to clarify that only revenues resulting from the provision of regulated telecommunications services should be considered.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (1) will be changed by deleting the words "intrastate end-user" and by adding the word "jurisdictional" before the word "revenues."

**COMMENT:** A telephone company recommended that the commission define the net jurisdictional revenues that are subject to assessment, and to which the Missouri Universal Service Fund surcharge applies.

**RESPONSE AND EXPLANATION OF CHANGE:** A new section (12) will be added that defines "net jurisdictional revenues." This change requires a renumbering that moves the definition of "toll blocking" to section (13) and "toll control" to section (14).

**4 CSR 240-31.010 Definitions**

(1) **Applicable carrier**—All telecommunications companies certificated to provide telecommunications services in Missouri except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a *de minimis* level of twenty-four thousand dollars (\$24,000).

(12) **Net jurisdictional revenue**—Net jurisdictional revenue shall include all revenues received by an applicable carrier from retail customers resulting from the provision of intrastate regulated telecommunications services, but shall not include revenue from payphone operations, taxes and uncollectibles. Revenues received from another provider of telecommunications services for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services, shall not be considered retail revenues.

(13) **Toll blocking**—"Toll blocking" is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

(14) **Toll control**—"Toll control" is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-31.050 Eligibility for Funding—Low-Income  
Customers and Disabled Customers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2160–2162). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2163–2165). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A hearing was held on January 22, 2003, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed amendment 4 CSR 240-31.060.

**COMMENT:** A telephone company recommended a modification to the proposed amendment at subsection (5)(B) to clarify the specific revenues that will be utilized to determine an applicable carrier's assessment.

**RESPONSE AND EXPLANATION OF CHANGE:** Subsection (5)(B) is changed by deleting the words "appropriate revenues" and replacing it with the term "net jurisdictional revenues."

**COMMENT:** A telephone company recommended replacing the words "each telecommunications company in the state except pay-phone providers, shared tenant service providers, and carriers with annual net intrastate jurisdictional revenues of less than twenty-four thousand dollars (\$24,000) annually" with the term "applicable carrier" in subsection (5)(B) since that term is now defined.

**RESPONSE AND EXPLANATION OF CHANGE:** Subsection (5)(B) is changed as recommended.

**COMMENT:** A telephone company recommended a modification to the proposed amendment at subsection (6)(A) to clarify that the surcharge percentage should also be included in the Notice of Assessment provided to applicable carriers.

**RESPONSE AND EXPLANATION OF CHANGE:** Subsection (6)(A) is changed by adding a reference to 4 CSR 240-31.060(5)(B). Subsection (6)(A) is also changed by deleting all proposed language from subsection (6)(A) after the word "every" and replacing it with "applicable carrier" since that term is now defined.

**4 CSR 240-31.060 Assessments for MoUSF Funding**

**(5) Determination of Assessments.**

(B) The Fund Administrator shall submit to the board its determination of the funding requirements, along with its determination of the revenues upon which the assessment shall be made, and the percentage assessment to be made upon the net jurisdictional revenues of each applicable carrier.

**(6) Notices of Assessments.**

(A) Notices of assessment, as determined under 4 CSR 240-31.060(5)(B) above, shall be sent by the Fund Administrator to every applicable carrier.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-31.065 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2166–2168). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A hearing was held on January 22, 2003, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed rule 4 CSR 240-31.065.

**COMMENT:** A telephone company recommended restructuring and modifying the proposed rule to clarify that all applicable carriers shall include a percentage surcharge on each retail end-user customer's bill. The commenter also recommended a clarification stating that the surcharge percentage should apply to all revenues resulting from regulated intrastate telecommunications services provided to end-user retail customers.

**RESPONSE AND EXPLANATION OF CHANGE:** Proposed rule 4 CSR 240-31.065 is restructured by creating five sections, (1), (2), (3), (4) and (5), instead of a single section (1) with four subsections, (A), (B), (C), and (D). New sections (1) and (3) are changed to reflect that the surcharge is a percentage. New section (3) is also changed to state that the surcharge is to be applied to net jurisdictional revenues.

**COMMENT:** A telephone company recommended adding language to the rule clarifying that carriers are required to remit to the Fund Administrator all funds received from their end-user customers as a result of the application of the surcharge. The commenter also recommended that the rule clearly state that the remittance of all funds received as a result of the surcharge will equal a carrier's annual assessment.

**RESPONSE AND EXPLANATION OF CHANGE:** New section (4) is added to clarify that the funds collected from the surcharge shall be remitted to the Fund Administrator, and that the remittance of all collected surcharge funds shall constitute full satisfaction of a carrier's annual assessment.

**COMMENT:** The Office of the Public Counsel commented that limiting the requirement to remit funds to only those collected does not encourage carriers to collect uncollectibles and does not account for uncollectibles that are later collected.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission does not believe that a carrier's uncollectibles will have a significant impact on the fund since a carrier has incentive to pursue its uncollectibles, and the percentage surcharge would apply to uncollectibles that are later collected. The words "from end-user customers" were removed to indicate that all funds received as a result of the application of the MoUSF surcharge shall be remitted.

**COMMENT:** The Office of the Public Counsel commented that a surcharge is not the appropriate manner for collecting carrier assessments for the Missouri Universal Service Fund.

RESPONSE: If the commission did not allow a surcharge, market distortions would result and implicit subsidies would be created. Three (3) different types of companies (rate-of-return, price-cap, and competitive) would all be treated differently. Because of these differences, any funding mechanism that is not based on a surcharge will necessarily create competitive advantages and disadvantages for different companies.

#### **4 CSR 240-31.065 Collection of MoUSF Surcharge from End-User Subscribers**

(1) All applicable carriers shall place on each retail end-user customer's bill, a surcharge equal to the percentage assessment ordered by the commission.

(2) The surcharge shall appear as a separate line item detailed as "Missouri Universal Service Fund."

(3) The surcharge percentage shall be applied to each customer's total charges equating to the applicable carrier's net jurisdictional revenues.

(4) All applicable carriers shall remit to the Fund Administrator the funds received as a result of the application of the MoUSF surcharge. The remittance of all funds received as a result of the application of the MoUSF surcharge shall constitute full satisfaction of a carrier's annual percentage assessment.

(5) No carrier may recover its Universal Service Fund (USF) assessment in any way other than through this surcharge.

### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 33—Service and Billing Practices for Telecommunications Companies**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470, RSMo 2000, the commission amends a rule as follows:

#### **4 CSR 240-33.070 Discontinuance of Service to Residential Customers is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2169). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

### **Title 20—DEPARTMENT OF INSURANCE Division 500—Property and Casualty Chapter 1—Property and Casualty Insurance in General**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo 2000 and 379.321, RSMo Supp. 2002, the director adopts a rule as follows:

20 CSR 500-1.210 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2219-2220). The changes to the rule made as a result of comments are set forth below. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received written comments from the American Insurance Association (AIA), which felt that the rule as written would mean that once any insurance company or advisory organization filed rates for a particular type of inland marine coverage, then, even though no one had done so in the past, every insurer would be obligated to do so. AIA suggested using language whereby "rates, rate plans, modifications, and manuals of classifications for those inland marine coverage which by general custom of the industry either are not or have not been written according to manual rates or rating plans need not be filed . . ."

RESPONSE AND EXPLANATION OF CHANGE: The department's problem with this approach is that we are not aware of the definitive sources of information which would inform our analysts as to whether and to what extent the "general custom of the industry" exists. However, the department does not necessarily desire a large number of additional filings as a result of an attempt to clarify this issue. Therefore, as a compromise, the department will presume that if a filing has been made, that it is the industry custom to do so, but it will entertain evidence and argument from other entities that may be able to rebut that presumption. The provision of section (3) is modified accordingly.

#### **20 CSR 500-1.210 Commercial Inland Marine Insurance**

(3) The rates, rate plans, modifications, and manuals of classifications for those inland marine coverages that either are not or have not been written according to manual rates or rating plans, need not be filed with the Missouri Department of Insurance. However, if rates or rating plans have been filed with the department in the past for a particular type of inland marine insurance, by an insurer, a rating organization, an advisory organization or a joint underwriting association, then it will be presumed that such business is in fact, by regulation or general custom, written according to manual rates or rating plans, and that therefore, the rates and forms for that particular type of inland marine coverage need to be filed with the department, under the provisions of either subsection 1 of section 379.321, RSMo for personal inland marine coverage or under the provisions of subsection 6 of section 379.321, RSMo for commercial inland marine coverage. However, an insurer may present argument and evidence to the department to rebut this presumption, and, if rebutted, obviate the need for a filing.

### **Title 20—DEPARTMENT OF INSURANCE Division 500—Property and Casualty Chapter 6—Workers' Compensation and Employer's Liability**

#### **ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under sections 287.896, and 374.045, RSMo 2000, the director rescinds a rule as follows:

#### **20 CSR 500-6.960 Plan of Operation for the Workers' Compensation Residual Market (1995 Version) is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2220). A public hearing on the rescission was held on January 9, 2003 in the Offices of the Missouri Department of Insurance in Room 530 of the Truman State Office Building, in

Jefferson City Missouri. No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the hearing, the department explained that the rescission of the old rule was needed because such a rescission was not submitted to the secretary of state's office when the new version of the rule with this same section number was adopted. The belated rescission addresses that oversight. Other than the comments of the department, there were no other comments at the hearing, and no subsequent written comments were received.

**Title 20—DEPARTMENT OF INSURANCE  
Division 500—Property and Casualty  
Chapter 10—Mortgage Guaranty Insurance**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under sections 374.045, RSMo 2000, and 443.415, RSMo Supp. 2002, the director amends a rule as follows:

**20 CSR 500-10.100 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2220–2221). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing on the proposed amendment was held on January 9, 2003 in the department's offices at Room 530 of the Truman State Office Building in Jefferson City, Missouri. At the hearing, a representative of the Mortgage Guarantee Insurance Corporation spoke in favor of the changes. There were no additional comments.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

## **"NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY"**

TO ALL CREDITORS AND CLAIMANTS AGAINST Meadow Brook II, L.L.C., a Missouri limited liability company (the "Company"):

You are hereby notified that the Company has terminated, effective March 31, 2003, and is in the process of winding up its affairs. All persons having claims against the Company must present their claims in writing and mail their claims to:

Daniel C. Ruda  
245 S. Wildwood Dr.  
Branson, MO 65616

A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice. In order to file a claim with the Company, you must furnish the following: (a) amount of the claim; (b) basis for the claim; and (c) documentation of the claim."

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## **NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST TOPAZ PRODUCTIONS, INC., a Missouri corporation.**

On March 24, 2003, Topaz Productions, Inc. a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on March 24, 2003.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation c/o James M. Powell, Attorney at Law, Brown, Willbrand, Simon & Powell, P.C., 601 East Broadway, Ste. 203, P. O. Box 1304, Columbia, Missouri 65205.

All claims must include:

1. The name and address of the claimant;
2. The amount claimed;
3. The basis for the claim; and
4. The date(s) on which the event(s) on which the claim is based occurred.

NOTICE: Because of the dissolution of Topaz Productions, Inc., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF LIMITED LIABILITY  
COMPANY DISSOLUTION  
TO ALL CREDITORS AND CLAIMANTS  
AGAINST RBA MISSOURI, LLC**

On April 10, 2003, **RBA MISSOURI, LLC**, a Missouri Limited Liability Company, filed its Articles of Termination with the Missouri Secretary of State. Any claims against the LLC, should be sent to Carl C. Lang, 7733 Forsyth Blvd., Suite 400, St. Louis, Missouri 63105. All claims must include the name, address and phone number of the claimant; the amount of the claim; the basis of the claim; and the date the claim arose.

All claims must be received by the LLC within three (3) years after publication of this notice. Any claims not received by that date will be barred.

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Notice of Dissolution  
to All Creditors of and Claimants Against Broadway Construction Company

On February 25, 2003, Broadway Construction Company filed its articles of dissolution with the Missouri Secretary of State. The dissolution was effective on that date.

You are hereby notified that if you believe you have a claim against Broadway Construction Company, you must submit a summary in writing of the circumstances surrounding your claim to the Corporation in care of Steven J. Braun at 4550 Belleview, Kansas City, Missouri, 64111. The summary of your claim must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against Broadway Construction Company will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY**

1. The name of the limited liability company is S3 Systems, LLC
2. The Articles of Organization for S3 Systems, LLC were filed with the Missouri Secretary of State on January 2, 2002.
3. On April 14, 2003, S3 Systems, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against S3 Systems, LLC should present them in accordance with the following procedure:
  - (a) In order to file a claim with S3 Systems, LLC, you must furnish the following:
    - (i) Amount of the claim
    - (ii) Basis for the claim
    - (iii) Documentation for the claim
  - (b) The claim must be mailed to:

Tom Mendell  
1500 Grand Blvd.  
Kansas City, Missouri 64108
5. A claim against S3 Systems, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids will be received by the Division of Purchasing, Room 630, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us).

B1E03301 Grocery Items 6/2/03  
B3Z03202 Herbicide Application Services 6/2/03  
B1E03307 Air Conditioning Parts-Liebert Air 6/3/03  
B3E03231 Printing-Newborn Screening Blood Collection Forms  
6/4/03  
B1E03303 Ice Cream-St. Louis Area 6/5/03  
B1E03286 Building: Prefabricated 6/9/03  
B1E03308 Grocery Items 6/9/03  
B3E03175 Outpatient Hemodialysis Services 6/9/03  
B3E03247 Electrical Services 6/9/03  
B1Z03275 WIC Infant Formula Rebate 6/10/03  
B1E03304 Portable Wheel Load Weighers 6/11/03  
B1E03313 Dairy Products-St. Louis Area 6/11/03  
B1E03298 Equipment: Park 6/12/03  
B1E03305 Building Supplies-Jefferson City Area 6/13/03  
B1E03309 Steel Tubing & Rods 6/13/03  
B1E03310 Steel Products 6/13/03  
B1E03311 Waferboard & Particleboard 6/13/03  
B3Z03228 Transportation Brokerage Services 6/13/03  
B1E03312 Raised Flooring: Tate 6/17/03  
B3Z03248 Audit Services/Area Agencies 6/17/03  
B3Z03260 1115 Demonstration and Senate Bill 632 Evaluation  
6/17/03  
B3E03258 Drug Testing using Sweat Patch 6/19/03  
B3Z03114 Underground Storage Tank Investigation and Remediation Services 6/24/03  
B3Z03158 Banking Services for WIC 6/24/03  
B3Z03253 Fund Administration Services 6/25/03  
B3Z03160 Exhibit Production 8/6/03

It is the intent of the State of Missouri, Division of Purchasing to purchase each of the following as a single feasible source without competitive bids. If suppliers exist other than the ones identified, please call (573) 751-2387 immediately.

Model Curricula Project-Bioterrorism Preparedness, supplied by SuccessLink.

MediSpan Databases, supplied by Wolters Kluwer Health, Inc.

James Miluski, CPPO,  
Director of Purchasing

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724
1 CSR 15-3.200	Administrative Hearing Commission	27 MoReg 2259	27 MoReg 2266	28 MoReg 808	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 225	28 MoReg 983	
1 CSR 40-1.090	Purchasing and Materials Management		28 MoReg 8	28 MoReg 808	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.010	Animal Health		28 MoReg 399 28 MoReg 707		
2 CSR 30-2.020	Animal Health		28 MoReg 399 28 MoReg 708 28 MoReg 708		
2 CSR 30-2.040	Animal Health		28 MoReg 400 28 MoReg 711		
2 CSR 30-6.020	Animal Health		28 MoReg 400		
2 CSR 70-16.010	Plant Industries		28 MoReg 308		
2 CSR 70-16.015	Plant Industries		28 MoReg 308		
2 CSR 70-16.020	Plant Industries		28 MoReg 309		
2 CSR 70-16.025	Plant Industries		28 MoReg 309		
2 CSR 70-16.030	Plant Industries		28 MoReg 312		
2 CSR 70-16.035	Plant Industries		28 MoReg 314		
2 CSR 70-16.040	Plant Industries		28 MoReg 314		
2 CSR 70-16.045	Plant Industries		28 MoReg 314		
2 CSR 70-16.050	Plant Industries		28 MoReg 315		
2 CSR 70-16.055	Plant Industries		28 MoReg 315		
2 CSR 70-16.060	Plant Industries		28 MoReg 316		
2 CSR 70-16.065	Plant Industries		28 MoReg 318		
2 CSR 70-16.070	Plant Industries		28 MoReg 318		
2 CSR 70-16.075	Plant Industries		28 MoReg 318		
2 CSR 80-5.010	State Milk Board		28 MoReg 637		
2 CSR 90-10.040	Weights and Measures		27 MoReg 1161		
2 CSR 90-30.050	Weights and Measures		27 MoReg 1565		
2 CSR 90-36.010	Weights and Measures		27 MoReg 2053R	28 MoReg 654R	
			27 MoReg 2053	28 MoReg 654	
2 CSR 90-36.020	Weights and Measures		27 MoReg 2058R		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-6.405	Conservation Commission		28 MoReg 851		
3 CSR 10-7.455	Conservation Commission		N.A.	28 MoReg 654	
3 CSR 10-9.110	Conservation Commission		28 MoReg 400	28 MoReg 983	
3 CSR 10-9.230	Conservation Commission		28 MoReg 225	28 MoReg 808	
3 CSR 10-9.565	Conservation Commission		28 MoReg 401	28 MoReg 983	
3 CSR 10-10.726	Conservation Commission		28 MoReg 851		
3 CSR 10-10.732	Conservation Commission		28 MoReg 852		
3 CSR 10-11.186	Conservation Commission		28 MoReg 402	28 MoReg 983	
3 CSR 10-11.205	Conservation Commission		28 MoReg 402	28 MoReg 984	
3 CSR 10-11.210	Conservation Commission		28 MoReg 403	28 MoReg 984	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.022	Missouri State Board of Accountancy		27 MoReg 2266	28 MoReg 984	
4 CSR 30 4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 128	28 MoReg 897	
4 CSR 30-11.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 131	28 MoReg 897	
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		27 MoReg 2145	28 MoReg 897	
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852		
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854		
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855		
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856		
4 CSR 90-13.010	State Board of Cosmetology		28 MoReg 135	28 MoReg 898	
4 CSR 90-13.050	State Board of Cosmetology		28 MoReg 137	28 MoReg 898	
4 CSR 100	Division of Credit Unions				28 MoReg 361 28 MoReg 814 28 MoReg 914
4 CSR 140-2.055	Division of Finance		28 MoReg 319		
4 CSR 140-2.140	Division of Finance		28 MoReg 320		
4 CSR 140-11.010	Division of Finance		28 MoReg 320R		
4 CSR 140-11.020	Division of Finance		28 MoReg 320R		
4 CSR 140-11.030	Division of Finance		28 MoReg 321		
4 CSR 140-11.040	Division of Finance		28 MoReg 322		
4 CSR 145-1.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.030	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 145-2.100	Missouri Board of Geologist Registration		28 MoReg 857		
4 CSR 150-2.150	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-3.200	State Board of Registration for the Healing Arts		27 MoReg 2267	28 MoReg 655	
4 CSR 150-5.100	State Board of Registration for the Healing Arts		27 MoReg 2146	28 MoReg 898	
4 CSR 150-8.140	State Board of Registration for the Healing Arts		28 MoReg 139	28 MoReg 898	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		28 MoReg 857		
4 CSR 165-2.030	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		28 MoReg 858		
4 CSR 196-1.010	Landscape Architectural Council		27 MoReg 2146R	28 MoReg 899R	
4 CSR 200-4.010	State Board of Nursing		28 MoReg 541		
4 CSR 200-4.200	State Board of Nursing		27 MoReg 2150	28 MoReg 899	
4 CSR 220-2.010	State Board of Pharmacy		28 MoReg 543		
4 CSR 220-2.020	State Board of Pharmacy		28 MoReg 9	28 MoReg 899	
4 CSR 220-2.030	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900	
4 CSR 220-2.130	State Board of Pharmacy		28 MoReg 403		
4 CSR 220-2.190	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900W	
4 CSR 220-2.200	State Board of Pharmacy		28 MoReg 10R 28 MoReg 10		
4 CSR 220-2.400	State Board of Pharmacy		28 MoReg 20		
4 CSR 220-2.650	State Board of Pharmacy		28 MoReg 21	28 MoReg 900	
4 CSR 220-2.700	State Board of Pharmacy		27 MoReg 2268	28 MoReg 900	
4 CSR 220-2.900	State Board of Pharmacy		28 MoReg 543		
4 CSR 230-2.070	State Board of Podiatric Medicine		28 MoReg 139	28 MoReg 900	
4 CSR 232-3.010	Missouri State Committee of Interpreters		27 MoReg 2269	28 MoReg 655	
4 CSR 235-1.020	State Committee of Psychologists		28 MoReg 545		
4 CSR 240-3.180	Public Service Commission		This Issue		
4 CSR 240-3.250	Public Service Commission		This Issue		
4 CSR 240-20.065	Public Service Commission		28 MoReg 711		
4 CSR 240-31.010	Public Service Commission		27 MoReg 2159	This Issue	
4 CSR 240-31.050	Public Service Commission		27 MoReg 2160	This Issue	
4 CSR 240-31.060	Public Service Commission		27 MoReg 2163	This Issue	
4 CSR 240-31.065	Public Service Commission		27 MoReg 2166	This Issue	
4 CSR 240-33.070	Public Service Commission		27 MoReg 2169	This Issue	
4 CSR 240-40.018	Public Service Commission		This Issue		
4 CSR 240-120.085	Public Service Commission		This Issue		
4 CSR 240-120.140	Public Service Commission	28 MoReg 287	28 MoReg 547		
4 CSR 240-121.065	Public Service Commission		This Issue		
4 CSR 240-123.030	Public Service Commission	28 MoReg 288	28 MoReg 549		
4 CSR 240-123.095	Public Service Commission		This Issue		
4 CSR 263-1.010	State Committee for Social Workers		27 MoReg 2169	28 MoReg 900	
4 CSR 263-1.015	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	
4 CSR 263-1.025	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	
4 CSR 263-1.035	State Committee for Social Workers		27 MoReg 2170	28 MoReg 901	
4 CSR 263-2.020	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.022	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.030	State Committee for Social Workers		27 MoReg 2171	28 MoReg 902	
4 CSR 263-2.031	State Committee for Social Workers		27 MoReg 2172	28 MoReg 903	
4 CSR 263-2.032	State Committee for Social Workers		27 MoReg 2173	28 MoReg 903	
4 CSR 263-2.045	State Committee for Social Workers		27 MoReg 2174	28 MoReg 904	
4 CSR 263-2.047	State Committee for Social Workers		27 MoReg 2174	28 MoReg 904	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 263-2.050	State Committee for Social Workers		27 MoReg 2178	28 MoReg 904	
4 CSR 263-2.052	State Committee for Social Workers		27 MoReg 2178	28 MoReg 905	
4 CSR 263-2.060	State Committee for Social Workers		27 MoReg 2182	28 MoReg 905	
4 CSR 263-2.062	State Committee for Social Workers		27 MoReg 2182	28 MoReg 905	
4 CSR 263-2.070	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 263-2.072	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 263-2.075	State Committee for Social Workers		27 MoReg 2186	28 MoReg 906	
4 CSR 265-2.070	Division of Motor Carrier and Railroad Safety	27 MoReg 2259R	27 MoReg 2269R	28 MoReg 808R	
4 CSR 265-2.080	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.085	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.090	Division of Motor Carrier and Railroad Safety	27 MoReg 2260R	27 MoReg 2270R	28 MoReg 809R	
4 CSR 265-2.100	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.110	Division of Motor Carrier and Railroad Safety	27 MoReg 2261R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.115	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2271R	28 MoReg 809R	
4 CSR 265-2.116	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.120	Division of Motor Carrier and Railroad Safety	27 MoReg 2262R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.130	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2272R	28 MoReg 810R	
4 CSR 265-2.140	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	28 MoReg 810R	
4 CSR 265-2.150	Division of Motor Carrier and Railroad Safety	27 MoReg 2263R	27 MoReg 2273R	28 MoReg 810R	
4 CSR 265-4.010	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2273R	28 MoReg 811R	
4 CSR 265-4.020	Division of Motor Carrier and Railroad Safety	27 MoReg 2264R	27 MoReg 2274R	28 MoReg 811R	
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			
4 CSR 270-1.021	Missouri Veterinary Medical Board		28 MoReg 859		
4 CSR 270-1.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-2.051	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.031	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.042	Missouri Veterinary Medical Board		28 MoReg 861		
4 CSR 270-4.060	Missouri Veterinary Medical Board		28 MoReg 862		
4 CSR 270-7.010	Missouri Veterinary Medical Board		28 MoReg 864		
<b>DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION</b>					
5 CSR 30-4.010	Division of Administrative and Financial Services		28 MoReg 322R		
5 CSR 50-310.010	Division of School Improvement		This IssueR		
5 CSR 50-340.110	Division of School Improvement		This Issue		
5 CSR 50-340.150	Division of School Improvement		27 MoReg 2193	28 MoReg 909	
5 CSR 50-340.200	Division of School Improvement		This Issue		
5 CSR 50-350.015	Division of School Improvement		This IssueR		
5 CSR 50-350.040	Division of School Improvement		28 MoReg 640		
5 CSR 50-355.100	Division of School Improvement		28 MoReg 323		
5 CSR 50-360.010	Division of School Improvement		This IssueR		
5 CSR 50-370.010	Division of School Improvement		This IssueR		
5 CSR 70-742.160	Special Education		This IssueR		
5 CSR 80-850.045	Teacher Quality and Urban Education		27 MoReg 2198	28 MoReg 910	
5 CSR 90-4.410	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-4.420	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-5.410	Vocational Rehabilitation		28 MoReg 864		
5 CSR 90-5.420	Vocational Rehabilitation		28 MoReg 867		
5 CSR 90-5.440	Vocational Rehabilitation		28 MoReg 869		
<b>DEPARTMENT OF HIGHER EDUCATION</b>					
6 CSR 10-6.010	Commissioner of Higher Education		28 MoReg 956		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-3.010	Missouri Highways and Transportation Commission		27 MoReg 2058	28 MoReg 811	
7 CSR 10-3.040	Missouri Highways and Transportation Commission		27 MoReg 2063	28 MoReg 811	
7 CSR 10-6.010	Missouri Highways and Transportation Commission		28 MoReg 958		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		28 MoReg 958		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-6.020	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		28 MoReg 960		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		28 MoReg 961		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		28 MoReg 963		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		28 MoReg 964		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		28 MoReg 966		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		28 MoReg 967		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-6.100	Missouri Highways and Transportation Commission		28 MoReg 968		
7 CSR 10-10.010	Missouri Highways and Transportation Commission		28 MoReg 21	28 MoReg 984	
7 CSR 10-10.030	Missouri Highways and Transportation Commission		28 MoReg 23	28 MoReg 984	
7 CSR 10-10.040	Missouri Highways and Transportation Commission		28 MoReg 23	28 MoReg 985	
7 CSR 10-10.050	Missouri Highways and Transportation Commission		28 MoReg 24	28 MoReg 985	
7 CSR 10-10.060	Missouri Highways and Transportation Commission		28 MoReg 24	28 MoReg 985	
7 CSR 10-10.070	Missouri Highways and Transportation Commission		28 MoReg 25	28 MoReg 985	
7 CSR 10-10.080	Missouri Highways and Transportation Commission		28 MoReg 26	28 MoReg 985	
7 CSR 10-10.090	Missouri Highways and Transportation Commission		28 MoReg 26	28 MoReg 985	

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

8 CSR 10-3.010	Division of Employment Security		28 MoReg 551		
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969		
8 CSR 20-3.030	Labor and Industrial Relations Commission		28 MoReg 325		

**DEPARTMENT OF MENTAL HEALTH**

9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 847	28 MoReg 873		
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873		
9 CSR 10-7.130	Director, Department of Mental Health		28 MoReg 645		
9 CSR 25-2.105	Fiscal Management		27 MoReg 1951	28 MoReg 655W	
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874		
9 CSR 30-3.110	Certification Standards		27 MoReg 1952	28 MoReg 656	
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874		

**DEPARTMENT OF NATURAL RESOURCES**

10 CSR 10-2.070	Air Conservation Commission		28 MoReg 551		
10 CSR 10-2.340	Air Conservation Commission		28 MoReg 325		
10 CSR 10-2.390	Air Conservation Commission		28 MoReg 552		
10 CSR 10-3.090	Air Conservation Commission		28 MoReg 553		
10 CSR 10-4.070	Air Conservation Commission		28 MoReg 553		
10 CSR 10-5.160	Air Conservation Commission		28 MoReg 554		
10 CSR 10-5.480	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.020	Air Conservation Commission		28 MoReg 719		
10 CSR 10-6.060	Air Conservation Commission		28 MoReg 724		
10 CSR 10-6.061	Air Conservation Commission		28 MoReg 728		
10 CSR 10-6.062	Air Conservation Commission		28 MoReg 731		
10 CSR 10-6.065	Air Conservation Commission		28 MoReg 734		
10 CSR 10-6.070	Air Conservation Commission		28 MoReg 555		
10 CSR 10-6.075	Air Conservation Commission		28 MoReg 557		
10 CSR 10-6.080	Air Conservation Commission		28 MoReg 559		
10 CSR 10-6.100	Air Conservation Commission		27 MoReg 2274		
10 CSR 10-6.350	Air Conservation Commission		28 MoReg 141		
10 CSR 23-5.050	Division of Geology and Land Survey		28 MoReg 150	28 MoReg 986	
10 CSR 25-12.010	Hazardous Waste Management Commission		28 MoReg 874		
10 CSR 30-2.020	Land Survey		28 MoReg 878		
10 CSR 30-2.030	Land Survey		28 MoReg 879		
10 CSR 30-2.040	Land Survey		28 MoReg 879		
10 CSR 30-2.060	Land Survey		28 MoReg 880		
10 CSR 30-2.070	Land Survey		28 MoReg 880		
10 CSR 30-2.080	Land Survey		28 MoReg 880		
10 CSR 30-2.090	Land Survey		28 MoReg 881		
10 CSR 30-2.100	Land Survey		28 MoReg 881		
10 CSR 60-2.015	Public Drinking Water Program		28 MoReg 735		
10 CSR 60-4.010	Public Drinking Water Program		28 MoReg 969		
10 CSR 60-4.020	Public Drinking Water Program		28 MoReg 736		
10 CSR 60-4.030	Public Drinking Water Program		28 MoReg 737		
10 CSR 60-4.040	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.050	Public Drinking Water Program		28 MoReg 739		
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744		
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746		
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752		
10 CSR 60-5.010	Public Drinking Water Program		28 MoReg 973		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753		
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R		
			28 MoReg 757		
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 764		
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 776		
10 CSR 70-8.010	Soil and Water Districts Commission		27 MoReg 2276	28 MoReg 986	
10 CSR 70-8.020	Soil and Water Districts Commission		27 MoReg 2277	28 MoReg 986	
10 CSR 70-8.030	Soil and Water Districts Commission		27 MoReg 2278	28 MoReg 986	
10 CSR 70-8.040	Soil and Water Districts Commission		27 MoReg 2279	28 MoReg 987	
10 CSR 70-8.050	Soil and Water Districts Commission		27 MoReg 2279	28 MoReg 987	
10 CSR 70-8.060	Soil and Water Districts Commission		27 MoReg 2280	28 MoReg 987	
10 CSR 70-8.070	Soil and Water Districts Commission		27 MoReg 2281	28 MoReg 987	
10 CSR 70-8.080	Soil and Water Districts Commission		27 MoReg 2282	28 MoReg 987	
10 CSR 70-8.090	Soil and Water Districts Commission		27 MoReg 2282	28 MoReg 988	
10 CSR 70-8.100	Soil and Water Districts Commission		27 MoReg 2283	28 MoReg 988	
10 CSR 70-8.110	Soil and Water Districts Commission		27 MoReg 2283	28 MoReg 988	
10 CSR 70-8.120	Soil and Water Districts Commission		27 MoReg 2284	28 MoReg 988	

**DEPARTMENT OF PUBLIC SAFETY**

11 CSR 10-6.010	Adjutant General		27 MoReg 2285	28 MoReg 812	
11 CSR 40-2.010	Division of Fire Safety		28 MoReg 645R		
11 CSR 40-2.020	Division of Fire Safety		28 MoReg 645R		
11 CSR 40-2.030	Division of Fire Safety		28 MoReg 645R		
11 CSR 40-2.040	Division of Fire Safety		28 MoReg 646R		
11 CSR 40-2.050	Division of Fire Safety		28 MoReg 646R		
11 CSR 40-2.060	Division of Fire Safety		27 MoReg 1962R		
			28 MoReg 646R		
11 CSR 40-5.020	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.050	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.065	Division of Fire Safety		28 MoReg 27	28 MoReg 910	
11 CSR 40-5.070	Division of Fire Safety		28 MoReg 32	28 MoReg 911	
11 CSR 40-5.080	Division of Fire Safety		28 MoReg 33	28 MoReg 911	
11 CSR 40-5.110	Division of Fire Safety		27 MoReg 1869		
			28 MoReg 646		
11 CSR 40-5.120	Division of Fire Safety		28 MoReg 33	28 MoReg 911	
11 CSR 40-6.010	Division of Fire Safety		28 MoReg 973		
11 CSR 40-6.020	Division of Fire Safety		28 MoReg 974		
11 CSR 40-6.031	Division of Fire Safety		28 MoReg 974		
11 CSR 40-6.040	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.045	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.050	Division of Fire Safety		28 MoReg 977		
11 CSR 40-6.055	Division of Fire Safety		28 MoReg 978		
11 CSR 40-6.060	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.075	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980		
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981		
11 CSR 45-3.010	Missouri Gaming Commission		28 MoReg 403		
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-5.200	Missouri Gaming Commission		28 MoReg 404		
11 CSR 45-10.030	Missouri Gaming Commission		28 MoReg 649		
11 CSR 50-2.430	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 649		
11 CSR 50-2.440	Missouri State Highway Patrol	28 MoReg 629	28 MoReg 650		
11 CSR 75-13.010	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-14.030	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-14.080	Peace Officer Standards and Training Program		This Issue		

**DEPARTMENT OF REVENUE**

12 CSR 10-2.045	Director of Revenue		27 MoReg 2203	28 MoReg 991	
12 CSR 10-3.010	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.038	Director of Revenue		27 MoReg 2288R	28 MoReg 663R	
12 CSR 10-3.048	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.088	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.148	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.150	Director of Revenue		27 MoReg 2289R	28 MoReg 663R	
12 CSR 10-3.222	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.226	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.230	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.232	Director of Revenue		27 MoReg 2290R	28 MoReg 664R	
12 CSR 10-3.270	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.304	Director of Revenue		27 MoReg 2291R	28 MoReg 664R	
12 CSR 10-3.348	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	

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12 CSR 10-3.356	Director of Revenue		27 MoReg 2291R	28 MoReg 665R	
12 CSR 10-3.358	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.372	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.422	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.500	Director of Revenue		27 MoReg 2292R	28 MoReg 665R	
12 CSR 10-3.514	Director of Revenue		27 MoReg 2293R	28 MoReg 665R	
12 CSR 10-3.532	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.538	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-3.860	Director of Revenue		27 MoReg 2293R	28 MoReg 666R	
12 CSR 10-23.446	Director of Revenue		28 MoReg 981		
12 CSR 10-24.120	Director of Revenue		27 MoReg 2294	28 MoReg 666	
12 CSR 10-24.140	Director of Revenue		28 MoReg 404		
12 CSR 10-24.190	Director of Revenue		27 MoReg 2294	28 MoReg 666R	
12 CSR 10-24.305	Director of Revenue		27 MoReg 2295	28 MoReg 666R	
12 CSR 10-24.395	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-24.448	Director of Revenue	28 MoReg 5	28 MoReg 3428	28 MoReg 812	
12 CSR 10-24.472	Director of Revenue		27 MoReg 2295	28 MoReg 667	
12 CSR 10-26.100	Director of Revenue		28 MoReg 150R	28 MoReg 912R	
12 CSR 10-110.600	Director of Revenue		27 MoReg 2064	28 MoReg 667W	
12 CSR 10-110.900	Director of Revenue		27 MoReg 2296	28 MoReg 668W	
			28 MoReg 881		
12 CSR 10-111.010	Director of Revenue		27 MoReg 2065	28 MoReg 669W	
			28 MoReg 886		
12 CSR 10-111.060	Director of Revenue		27 MoReg 2068	28 MoReg 671W	
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 40-30.020	Division of Family Services	27 MoReg 2265	27 MoReg 2299	28 MoReg 988	
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-1.020	Division of Medical Services		28 MoReg 405		
13 CSR 70-3.065	Division of Medical Services	28 MoReg 288	28 MoReg 327		28 MoReg 592
13 CSR 70-4.040	Division of Medical Services		This Issue		
13 CSR 70-10.015	Division of Medical Services		27 MoReg 1473	27 MoReg 2306	
		28 MoReg 103	28 MoReg 150	28 MoReg 988	
13 CSR 70-15.010	Division of Medical Services		28 MoReg 560		
13 CSR 70-15.110	Division of Medical Services	This Issue	This Issue		
13 CSR 70-20.320	Division of Medical Services		28 MoReg 409		
13 CSR 70-35.010	Division of Medical Services	27 MoReg 1174	27 MoReg 1324		
		28 MoReg 5T	28 MoReg 409R		
13 CSR 70-40.010	Division of Medical Services	27 MoReg 1176	27 MoReg 1326	28 MoReg 170	
		28 MoReg 397T	28 MoReg 650		
13 CSR 70-70.010	Division of Medical Services	28 MoReg 293	27 MoReg 2215	28 MoReg 672	
13 CSR 73-1.010	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-1.010)		28 MoReg 412		
13 CSR 73-2	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2)				28 MoReg 489
13 CSR 73-2.015	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.015)		28 MoReg 412		
13 CSR 73-2.020	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.020)		28 MoReg 412		
13 CSR 73-2.025	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.025)		28 MoReg 417		
13 CSR 73-2.031	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.031)		28 MoReg 417		
13 CSR 73-2.050	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.050)		28 MoReg 418		
13 CSR 73-2.051	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.051)		28 MoReg 419		
13 CSR 73-2.055	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.055)		28 MoReg 419		
13 CSR 73-2.060	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.060)		28 MoReg 420		
13 CSR 73-2.080	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.080)		28 MoReg 420		
13 CSR 73-2.085	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.085)		28 MoReg 421		
13 CSR 73-2.090	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.090)		28 MoReg 421		
13 CSR 73-2.095	Missouri Board of Nursing Home Administrators (Changed to 19 CSR 73-2.095)		28 MoReg 421		
<b>ELECTED OFFICIALS</b>					
15 CSR 30-45.030	Secretary of State		28 MoReg 422		
15 CSR 30-50.030	Secretary of State		28 MoReg 34	28 MoReg 812	
15 CSR 30-51.020	Secretary of State		28 MoReg 561		

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15 CSR 30-52.310	Secretary of State		28 MoReg 331		
15 CSR 30-54.010	Secretary of State		28 MoReg 561		
15 CSR 30-54.015	Secretary of State		28 MoReg 562		
15 CSR 30-54.060	Secretary of State		28 MoReg 562		
15 CSR 30-54.070	Secretary of State		28 MoReg 563R		
			28 MoReg 563		
15 CSR 30-54.210	Secretary of State		28 MoReg 563R		
			28 MoReg 564		
15 CSR 30-54.220	Secretary of State		28 MoReg 564R		
15 CSR 30-59.020	Secretary of State		28 MoReg 565		
15 CSR 30-59.050	Secretary of State		28 MoReg 565R		
15 CSR 30-59.060	Secretary of State		28 MoReg 565R		
15 CSR 30-59.170	Secretary of State		28 MoReg 565		
15 CSR 30-80.010	Secretary of State	28 MoReg 949	28 MoReg 982		
15 CSR 60-11.010	Attorney General		28 MoReg 331		
15 CSR 60-11.020	Attorney General		28 MoReg 331		
15 CSR 60-11.030	Attorney General		28 MoReg 332		
15 CSR 60-11.040	Attorney General		28 MoReg 332		
15 CSR 60-11.050	Attorney General		28 MoReg 333		
15 CSR 60-11.060	Attorney General		28 MoReg 333		
15 CSR 60-11.070	Attorney General		28 MoReg 333		
15 CSR 60-11.080	Attorney General		28 MoReg 334		
15 CSR 60-11.090	Attorney General		28 MoReg 334		
15 CSR 60-11.100	Attorney General		28 MoReg 335		
15 CSR 60-11.110	Attorney General		28 MoReg 335		
15 CSR 60-11.120	Attorney General		28 MoReg 335		
15 CSR 60-11.130	Attorney General		28 MoReg 335		
15 CSR 60-11.140	Attorney General		28 MoReg 336		
15 CSR 60-11.150	Attorney General		28 MoReg 336		
15 CSR 60-11.160	Attorney General		28 MoReg 337		
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-1.010	The Public School Retirement System of Missouri		28 MoReg 566		
16 CSR 40-3.130	Highways and Transportation Employees and Highway Patrol Retirement System		27 MoReg 2219	28 MoReg 673	
16 CSR 50-2.020	The County Employees' Retirement Fund		28 MoReg 155	28 MoReg 912	
16 CSR 50-2.035	The County Employees' Retirement Fund		This Issue		
16 CSR 50-2.040	The County Employees' Retirement Fund		28 MoReg 155	28 MoReg 913	
16 CSR 50-2.080	The County Employees' Retirement Fund		28 MoReg 156	28 MoReg 913	
16 CSR 50-2.090	The County Employees' Retirement Fund		28 MoReg 156	28 MoReg 913	
			This Issue		
16 CSR 50-3.010	The County Employees' Retirement Fund		28 MoReg 157	28 MoReg 913	
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 10-4.020	Office of the Director	28 MoReg 5	28 MoReg 35	28 MoReg 812	
19 CSR 15-4.050	Division of Senior Services		28 MoReg 890		
19 CSR 20-8.030	Office of the Director		28 MoReg 422		
19 CSR 20-20.020	Office of the Director	28 MoReg 7	28 MoReg 36	28 MoReg 913	
19 CSR 20-20.080	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.091	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 776		
19 CSR 20-20.092	Division of Environmental Health and Communicable Disease Prevention		28 MoReg 777		
19 CSR 30-1.002	Division of Health Standards and Licensure		28 MoReg 429		
19 CSR 30-1.011	Division of Health Standards and Licensure		28 MoReg 434		
19 CSR 30-1.015	Division of Health Standards and Licensure		28 MoReg 434		
19 CSR 30-1.017	Division of Health Standards and Licensure		28 MoReg 435		
19 CSR 30-1.019	Division of Health Standards and Licensure		28 MoReg 436		
19 CSR 30-1.023	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.034	Division of Health Standards and Licensure		28 MoReg 437		
19 CSR 30-1.040	Division of Health Standards and Licensure		28 MoReg 438		
19 CSR 30-40.309	Division of Health Standards and Licensure	28 MoReg 849	28 MoReg 896		
19 CSR 40-5.010	Division of Maternal, Child and Family Health ( <i>Changed to 19 CSR 45-5.010</i> )				28 MoReg 914
19 CSR 40-5.020	Division of Maternal, Child and Family Health ( <i>Changed to 19 CSR 45-5.020</i> )				28 MoReg 914
19 CSR 40-5.050	Division of Maternal, Child and Family Health ( <i>Changed to 19 CSR 45-5.050</i> )				28 MoReg 914
19 CSR 40-5.060	Division of Maternal, Child and Family Health ( <i>Changed to 19 CSR 45-5.060</i> )				28 MoReg 914

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 40-9.020	Division of Maternal, Child and Family Health		28 MoReg 438		
19 CSR 45-5.010	Division of Nutritional Health and Services ( <i>Changed from 19 CSR 40-5.010</i> )				28 MoReg 914
19 CSR 45-5.020	Division of Nutritional Health and Services ( <i>Changed from 19 CSR 45-5.020</i> )				28 MoReg 914
19 CSR 45-5.050	Division of Nutritional Health and Services ( <i>Changed from 19 CSR 45-5.050</i> )				28 MoReg 914
19 CSR 45-5.060	Division of Nutritional Health and Services ( <i>Changed from 19 CSR 45-5.060</i> )				28 MoReg 914
19 CSR 60-50.300	Missouri Health Facilities Review Committee	28 MoReg 106R 28 MoReg 106	28 MoReg 157R 28 MoReg 157		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	28 MoReg 108R 28 MoReg 109	28 MoReg 159R 28 MoReg 159		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	28 MoReg 110R 28 MoReg 110	28 MoReg 160R 28 MoReg 160		
19 CSR 60-50.420	Missouri Health Facilities Review Committee	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161		
19 CSR 60-50.430	Missouri Health Facilities Review Committee	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163		
19 CSR 60-50.450	Missouri Health Facilities Review Committee	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164		
19 CSR 60-50.700	Missouri Health Facilities Review Committee	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166		
19 CSR 73-1.010	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-1.010</i> )		28 MoReg 412		
19 CSR 73-2	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2</i> )				28 MoReg 489
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.015</i> )		28 MoReg 412		
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.020</i> )		28 MoReg 412		
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.025</i> )		28 MoReg 417		
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.031</i> )		28 MoReg 417		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.050</i> )		28 MoReg 418		
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.051</i> )		28 MoReg 419		
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.055</i> )		28 MoReg 419		
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.060</i> )		28 MoReg 420		
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.080</i> )		28 MoReg 420		
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.085</i> )		28 MoReg 421		
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.090</i> )		28 MoReg 421		
19 CSR 73-2.095	Missouri Board of Nursing Home Administrators ( <i>Changed from 13 CSR 73-2.095</i> )		28 MoReg 421		
<b>DEPARTMENT OF INSURANCE</b>					
20 CSR	Medical Malpractice				26 MoReg 599 27 MoReg 415 28 MoReg 489
20 CSR	Sovereign Immunity Limits				26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 100-1.060	Division of Consumer Affairs		27 MoReg 2300		
20 CSR 300-2.200	Market Conduct Examinations	28 MoReg 397	28 MoReg 439		
20 CSR 400-3.650	Life, Annuities and Health		27 MoReg 1362		
20 CSR 400-4.100	Life, Annuities and Health		28 MoReg 777R 28 MoReg 778		
20 CSR 500-1.210	Property and Casualty		27 MoReg 2219	This Issue	
20 CSR 500-6.960	Property and Casualty	27 MoReg 848R	27 MoReg 905R 27 MoReg 2220R	This IssueR	
20 CSR 500-10.100	Property and Casualty		27 MoReg 2220	This Issue	
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.010	Health Care Plan	28 MoReg 118	28 MoReg 226	28 MoReg 989	
22 CSR 10-2.020	Health Care Plan	28 MoReg 120	28 MoReg 229	28 MoReg 989	
22 CSR 10-2.040	Health Care Plan	28 MoReg 121R	28 MoReg 230R	28 MoReg 989R	
22 CSR 10-2.045	Health Care Plan	28 MoReg 122	28 MoReg 230	28 MoReg 989	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
22 CSR 10-2.050	Health Care Plan	28 MoReg 123R	28 MoReg 231R	28 MoReg 989R	
22 CSR 10-2.055	Health Care Plan	28 MoReg 123	28 MoReg 232	28 MoReg 990	
22 CSR 10-2.060	Health Care Plan	28 MoReg 125R	28 MoReg 233R	28 MoReg 990R	
22 CSR 10-2.063	Health Care Plan	28 MoReg 125R	28 MoReg 233R	28 MoReg 990R	
22 CSR 10-2.064	Health Care Plan	28 MoReg 125R	28 MoReg 234R	28 MoReg 990R	
22 CSR 10-2.067	Health Care Plan	28 MoReg 125R	28 MoReg 234R	28 MoReg 990R	
22 CSR 10-2.075	Health Care Plan	28 MoReg 126	28 MoReg 234	28 MoReg 990	
22 CSR 10-2.080	Health Care Plan	28 MoReg 126	28 MoReg 235	28 MoReg 991	

## Emergency Rules in Effect as of June 2, 2003

**Expires**

### Office of Administration

#### Personnel Advisory Board and Division of Personnel

1 CSR 20-2.015 Broad Classification Bands for Managers . . . . . July 10, 2003

### Department of Economic Development

#### Public Service Commission

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee . . . . . August 1, 2003

4 CSR 240-123.030 Seals . . . . . August 1, 2003

#### Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License . . . . . October 24, 2003

### Department of Labor and Industrial Relations

#### Division of Employment Security

8 CSR 10-3.100 Direct Deposit of Unemployment Benefits . . . . . October 27, 2003

### Department of Mental Health

#### Director, Department of Mental Health

9 CSR 10-5.220 Privacy Rule of Health Insurance Portability and Accountability Act of 1996 (HIPAA) . . . . . October 14, 2003

9 CSR 10-7.090 Governing Authority and Program Administration . . . . . October 14, 2003

#### Certification Standards

9 CSR 30-3.032 Certification of Alcohol and Drug Abuse Programs . . . . . October 14, 2003

#### Division of Mental Retardation and Developmental Disabilities

9 CSR 45-5.060 Procedures to Obtain Certification . . . . . October 14, 2003

### Department of Public Safety

#### Missouri State Highway Patrol

11 CSR 50-2.430 Verification of Homemade Trailers . . . . . September 22, 2003

11 CSR 50-2.440 Vehicle Identification Number and Odometer Reading Verification . . . . . September 22, 2003

### Department of Revenue

#### Director of Revenue

12 CSR 10-24.448 Proof of Identity and Proof of Social Security Number  
Required for Issuance of a Driver or Nondriver License . . . . . June 23, 2003

12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . . June 29, 2003

### Department of Social Services

#### Division of Family Services

13 CSR 40-30.020 Attorney Fees in Termination of Parental Rights Cases . . . . . June 11, 2003

#### Division of Medical Services

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services . . . . . July 15, 2003

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) . . . . . February 19, 2004

13 CSR 70-65.010 Rehabilitation Center Program . . . . . August 27, 2003

13 CSR 70-70.010 Therapy Program . . . . . August 27, 2003

### Elected Officials

#### Secretary of State

15 CSR 30-8.010 Redaction of the Social Security Numbers and Date of Birth from  
Business Entity Filings . . . . . November 6, 2003

### Department of Health and Senior Services

#### Office of the Director

19 CSR 10-4.020 J-1 Visa Waiver Program . . . . . June 23, 2003

#### Division of Environmental Health and Communicable Disease Prevention

19 CSR 20-20.020 Reporting Communicable, Environmental and Occupational Diseases . . . . . June 23, 2003

#### Division of Health Standards and Licensure

19 CSR 30-40.309 Application and Licensure Requirements Standards for the Licensure  
and Relicensure of Ground Ambulance Services . . . . . October 11, 2003

#### Missouri Health Facilities Review Committee

19 CSR 60-50.300 Definitions for the Certificate of Need Process . . . . . June 29, 2003

19 CSR 60-50.300 Definitions for the Certificate of Need Process . . . . . June 29, 2003

19 CSR 60-50.400 Letter of Intent Process . . . . . June 29, 2003

19 CSR 60-50.400 Letter of Intent Process . . . . . June 29, 2003

19 CSR 60-50.410 Letter of Intent Package . . . . . June 29, 2003

19 CSR 60-50.410	Letter of Intent Package . . . . .	June 29, 2003
19 CSR 60-50.420	Application Process . . . . .	June 29, 2003
19 CSR 60-50.420	Application Process . . . . .	June 29, 2003
19 CSR 60-50.430	Application Package . . . . .	June 29, 2003
19 CSR 60-50.430	Application Package . . . . .	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care . . . . .	June 29, 2003
19 CSR 60-50.450	Criteria and Standards for Long-Term Care . . . . .	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity . . . . .	June 29, 2003
19 CSR 60-50.700	Post-Decision Activity . . . . .	June 29, 2003

## Department of Insurance

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20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations . . . . .	August 22, 2003
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22 CSR 10-2.010	Definitions . . . . .	June 29, 2003
22 CSR 10-2.020	Membership Agreement and Participation Period . . . . .	June 29, 2003
22 CSR 10-2.040	PPO Plan Summary of Medical Benefits . . . . .	June 29, 2003
22 CSR 10-2.045	Co-pay and PPO Plan Summaries . . . . .	June 29, 2003
22 CSR 10-2.050	PPO Plan Benefit Provisions and Covered Charges . . . . .	June 29, 2003
22 CSR 10-2.055	Co-pay and PPO Plan Benefit Provisions and Covered Charges . . . . .	June 29, 2003
22 CSR 10-2.060	PPO and Co-pay Plan Limitations . . . . .	June 29, 2003
22 CSR 10-2.063	HMO/POS Premium Option Summary of Medical Benefits . . . . .	June 29, 2003
22 CSR 10-2.064	HMO/POS Standard Option Summary of Medical Benefits . . . . .	June 29, 2003
22 CSR 10-2.067	HMO and POS Limitations . . . . .	June 29, 2003
22 CSR 10-2.075	Review and Appeals Procedure . . . . .	June 29, 2003
22 CSR 10-2.080	Miscellaneous Provisions . . . . .	June 29, 2003

## Executive Orders

	Subject Matter	Filed Date	Publication
<b>03-01</b>	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
<b>03-02</b>	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
<b>03-03</b>	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
<b>03-04</b>	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
<b>03-05</b>	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
<b>03-06</b>	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
<b>03-07</b>	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
<b>03-09</b>	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
<b>03-10</b>	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
<b>03-11</b>	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
<b>03-12</b>	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
<b>03-13</b>	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
<b>03-14</b>	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954

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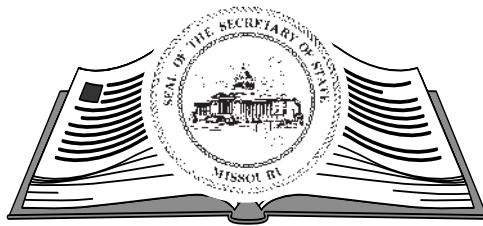
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